



# **A CRITICAL ANALYSIS OF ORIENTALISTS' WRITINGS ON ISLAMIC POLITY**

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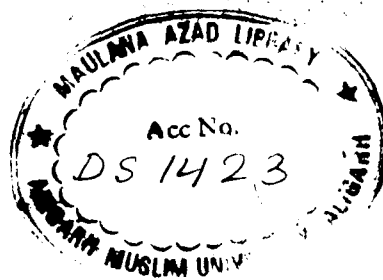
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## C O N T E N T S

INTRODUCTION		i
Chapter I	Orientalism: A Historical Background	01
Chapter II	The Evolution of Prophet's Polity: Theoretical and Factual Discussions.	48
Chapter III	Conceptual Discourses on Islamic State and Government.	84
Chapter IV	A Review of Islamic International Law and Diplomacy.	108
Conclusion		140
Appendix		152
Bibliography		158

## I N T R O D U C T I O N

The study of history has been employed in the modern west as a method of philosophical contemplation. Other cultures and civilizations have thus been studied for enhancing the self-understanding of the Western man. Islam, too, has been appraised in the ~~mirror~~ of Western destiny.

It is well-established today that the formation of European identity, the European's definition of itself as a historical being took place in large measure as a reaction to Islam. The so-called 'distorted image of Islam' is a projection of the darker side of Europe itself: it was born in ignorance, forged in political and military struggle and nourished by religious fanaticism and bigotry. The birth of Islam was a traumatic experience for the Christian World. Islam was not only a formidable political rival, it also nullified the Christian scheme of 'Divine' salvation. Thus, Islam was conceived from its earliest encounter with Christianity as a 'problem'; a problem of Christian Orthodoxy first and foremost. It is no exaggeration to claim that Christianity is still unable to accommodate the realities of Islam. Unlike Islam, which grants Christianity a partial *de jure* legitimacy as a recipient of divine message, Christianity can never reciprocate this oecumenical courtesy. It can only denounce Islam as a 'false' religion. All Christian scholars who have worked on Islam from John of

Damascus to Massignan of Paris - ~~are~~ unwilling to recognise the spiritual and religious veracity of Islam and the Muslims. Unfortunately, the foremost traits of Christian studies of Islam, intransigentism and dogmatic obduracy, have been bequeathed to other philosophers of history who ~~too~~ view Islam through Christian glasses.

The Western scholars of Islam, say orientalist have never forgotten the Christian missionary zeal. They never admitted Islam's role to human society and its everliving capacity to conduct human behaviour in a best way. This Western attitude remains while discussing the history of political theory and philosophy too. They ignore to a very large extent, the progress of political philosophy in the East during the ages and almost invariably begin the history with Greece and Rome passing, after a slight reference to Islamic thought on the subject, to medieval period of Europe. A student of political science and history is perplexed at this quiant phenomenon. His mind agitates whether the centuries between the fall of Rome and the renaissance of Europe were really so utterly blank. His mind also agitates as to whether one thousand years of Islamic history which witnessed the rebirth of science and the great rise of learning was ~~so~~ barren as to be devoid of all political thought.

Professor William Archibald Durning has given, for the first time, a detailed account of the history of political

theories. His work is assumed, as writer himself <sup>claims</sup>, 'to be more comprehensive than those of Pollock, Bluntschi and Hildenbrand, and more systematic and accurate than that of Bukey, to avoid the bibliographical character of Mohl's three volumes; and with the utmost admiration and respect for Janet's interpretation of political theory in its relation to ethical theory, to present rather an interpretation of the development of political theory in its relation to political fact'.<sup>1</sup> But he, too, after dealing with the classical epoch and the Christian Fathers had passed on to what little there was in European political philosophy in the thirteenth and fourteenth centuries. The learned writer has made the work limited, practically atleast, to the philosophy of the European Aryan peoples,<sup>2</sup> and has justified it by the argument that the 'Oriental Aryans never freed their politics from the theological and metaphysical environment, and that the Semitic Jews and Saracens at times achieved rather more but their achievement was not permanent'.<sup>3</sup> To him 'the Aryans of Europe have shown themselves to be the only peoples to whom the term 'political' may be properly applied'.<sup>4</sup>

It is interesting to note that author who has negated the East to create political thinkers simply because there was no clear cut separation between the politics and ethics, has given the proper place to scholastic school of thought.

5

Scholasticism, to him, was a system of thought in which, philosophy and theology trod on common ground, the latter was received, as Uberweg writes, as the absolute norm and criterion of truth'.<sup>6</sup> Thus he tried to ignore the Eastern contributions to political thought and philosophy.

Hence, it was deemed necessary to discuss the historical background of Orientalism and to point out the objectives and motivations of Western Studies of Islamic ideology. Infact the descipline of Islamic studies in the West came into being at the heyday of colonialism and "is fed by the milk of Biblical prejudices in its infancy and nourished by the sacred-cow of secular humanism in its maturity. It impudently disfigures and distarts Islam's own image".<sup>7</sup>

In this study, therefore, in the very beginning, the origin, development and different phases of Orientalism have been discussed. It is found out that any perception of Islam is foredoomed to yield only partial, and prejudicial insights. The self-definition of Islam as the overwhelmingly personal conviction to follow divine mandate stipulates that all intellectual apprehension of Islam, indeed all human systems of thought, knowledge and academic disciplines, be imbued with the timeless values and universal vision of Islam.



Needless to say that the modern West does not take keen interest in the establishment of religion as the dominant factor in a community's life. And since the western civilization being armed with superior technology and scientific development, dominates the world today, western-educated Muslims can only very rarely avoid being influenced by Western thought. They stand under the sign of utter confusion. This confusion manifests itself in the application of the purely Western political thoughts to Islamic polity and in seeing Islamic political system through the western mirror. This situation neither helps Muslims nor non-Muslims to understand what the idea of an Islamic polity really implies. For example, take the concept of state both in the Western and Islamic connotations. By positing an absolute identity of the ethical order of faith with the legal reality of the state, contemporary Islamic thought exposes itself to serious moral and logical inconsistencies. For, the notion of the state, which is a fact of modern consciousness and a 'given' of the international system, is ineluctably secular: it is totally anti-thetical to the moral idea of the sovereignty of God.<sup>8</sup> To introduce the secular category of the state into Islamic political discourse, inevitably leads to the confusion of the religious metaphor of the moral order of Islam with the legal reality of the Islamic polity. It does not mean, however, to banish politics from the realm of the faith. On the contrary,

the pursuit of politics is integral to Islam and there is a close link between Islam as a vision of man's relationship to Allah and Islam as a comprehensive scheme of social order. Therefore, the confusion does not issue from the inseparation of faith from the worldly affairs but from the Muslim acceptance of mythology of the Western state.

Therefore, in order to find out the shortcomings in Western studies of Islamic polity, to lessen the confusions prevailing in Western-educated Muslims and to present a polity which would really deserve the epithet 'Islamic', it is necessary to analyse critically the Orientalists' writings on the subject. This study while explaining and analysing the western works on Islamic polity focuses mainly on <sup>two</sup> important points - firstly Islam should be conceived as the Shariah - the all-encompassing system of morality and law. In fact, the elaboration of Islam in terms of a single comprehensive, universal and all-embracing system of religion, morality, law, sociology and politics is the very solution of many confusions in understanding Islam in general and Islamic polity in particular. Secondly, there was never existed a truly Islamic state after the time of the Prophet (S.A.W.) and four Rightly-Guided Caliphs. The Khilafat e-Rashida was truly Islamic in the sense that it fully reflected the prestige teachings of Islam, Whatever forms of state and government came into being in Muslim countries after that period were deviated, in a lesser or higher degree, from the spirit of Quran and Sunnah.

The methodology of this study is historical and descriptive and the method of presentation is analytical exposition of the facts followed with critical assessment. Chapterisation is made in a gradual way: Firstly the genesis and development of Orientalism from the very beginning till the present day with its motives and objectives, have been discussed. Then the Western writings on the evolution of politics of the Prophet (P.B.U.H.) are examined. Further, the views of Orientalists on Islamic state and government have been analysed. This has been followed by an appraisal of their works on Islamic International Law and diplomacy. Lastly, the conclusion is drawn on the whole scheme of the work.

I heartily express my gratitude to my supervisor Dr. Ishtiaq Ahmad whose suggestions and comments not only helped me but also encouraged and inspired me to go ahead with my work. It is his painstaking supervision which enabled me to complete my work. My thanks are also due to Prof. A.F. Usmani, Chairman, Department of Political Science who has extended his full co-operation to me. I am also grateful to Dr. Akhtar Majeed who has also extended his cooperation to me during my work. I am also beholden to Dr. Yasin Mazhar Siddiqi who not only encouraged me but has guided me from time to time.

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Lastly, I pray to Allah:

'O My Lord, Advance me in Knowledge'

(The Quran XX:114)

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Footnotes and References

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2. Ibid., p.XIX.
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4. Ibid., p. XX. It is very amazing that the author has criticized ~~darely~~, those who refutes this arrogant superiority of the race. To him, the assault is without foundation. The term 'political' only means a distinction between the two classes of peoples.
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CHAPTER FIRST

ORIENTALISM: A HISTORICAL  
BACKGROUND

The study of the origin and development of Islam in the West by the non-Muslim "experts" of Islam, is commonly known as orientalism. It has a chequered history. The reasons for special interest in the study of Islam mainly as a "dead" civilization vary from missionary zeal to colonial, political and commercial aspirations. The West saw the early expansion of Islam as a direct threat to its powers and religion and reacted violently by projecting a very dark and negative picture of Islam to people of the West. The legacy of invectives against the Prophet, the Quran and the general teachings of Islam bequeathed by the missionary and non-missionary orientalist of the medieval period has been maintained by successive generations of orientalist with remarkable success. Even the present-day orientalist, in spite of several positive services to the study of Islam, have not been able to free themselves from the influences of their predecessors. Indeed, the techniques of attack on Islam and its history have become so sophisticated and subtle that an ordinary reader cannot easily discover the underlying implications of remarks based on speculation and sometimes manipulation of sources. In modern times almost all the major universities of the West as well as Muslim world have Departments on Islam where the majority of the teaching staff come from the Jewish, Christian and Marxist background.

Origin of Orientalism:

The phrase "Orient" designates not only a vast portion of the earth but a people, a landscape, even a spirit which the west has feared and yet found dangerously attractive.<sup>1</sup>

Orientalism is a style of thought based upon an antological and epistemological distinction made between the "Orient" and, most of the time, the "Occident".<sup>2</sup> Thus a very large number of writers, among whom are poets, novelists, philosophers, political theorists, economists and administrators have innovaded the basic distinction between East and West. As starting point to elaborate theories, epics, novels, social descriptions and political accounts concerning the Orient, its people, customs, mind, desting etc. they have a different interpretation based on their pre-suppositions. Orientalism is a movement to make the Orient open to the West. Having said it, one may point out a number of reasonable characteristics. In the first place, it would be wrong to say that the orient was essentially an idea with no corresponding reality. Secondly, ideas, cultures and histories cannot seriously be studied without their configurations of powers. Thus the relationship between the Orient and Occident is a relationship of power, of domination, of varying degress of a complex hegemony. Thirdly, orientalism is more particularly valuable as a sign of European - Atlantic power over the



orient than it is as a veridical discourse about the orient. The most important point is that there should not be a mere political knowledge about any thing. Of course, no production of knowledge in the humanities can ever ignore or disclaim its authors' involvement as a human subject in his own circumstances but it must also be true that an American studying the Orient should not come up against the orient as an American first, as an individual second.<sup>3</sup> That is why Edward A. Said, the American scholar studied orientalism as 'a dynamic exchange between individual authors and the large political concerns shaped by the three great empires - British, French, American - in whose intellectual and imaginative territory the writing was produced.<sup>4</sup> Thus, the object to study the orient from the very beginning was to orientalize the Europeans through the academic channel who wanted to grasp the East especially the Muslim World. This becomes more clear when we study the Christian missionary that has enjoyed in the de-Islamizing of Muslims both in lands where they constitute the majority such as Indonesia and Pakistan and where they are in minority as in the Philippines due to the political, military, economic and cultural domination of the West over the non-Western world. The Christian missionaries aim for nothing but the expansion of Western political, military, economic and cultural imperialism. They want to westernize

the Muslim countries, their loss of the political, economic and cultural independence and utter annihilation of Islam and the Islamic way of life from the world. To prove the intimate relationship between the Christian missionary enterprise and Western imperialisms one can quote the following testimony from one of its leading spokesmen at the beginning of this century.

“ The Muslim world has been penetrated by Western travellers to its innermost recesses. Mecca and Madinah as well as Kerbela and Meshhed have laid bare their secrets. Arabia is being influenced as never before by the forces of Western commerce and trade. The twentieth century with rail and steamer, is piercing and crossing the last remaining banks and soon Arabia, that great eddy in the stream of the world's progress, will find itself being rapidly carried along to the consummation of God's purpose. Socially the forces at work are those acting on all the world. We have here only space to the growing tendency to approve, and without doubt soon to use, customs of distinctively Christian origin. Monogamy, equality of the sexes, schools for girls and various so-called handmaids of Christianity are beginning to be pressed into the service of Islam. Many of us think that it will result in a house divided against itself but only time will tell.

Since these lines were written, Great Britain has occupied Basra and is about to make the Euphrates - Tigris Valley another Egypt under some new Lord Cromer ... The introduction of Western customs, the multiplication of machinery and other devices of Western civilization, the increase of educational opportunities and especially the rise and enormous expansion of the Muslim press in imitation of its Western models have utterly changed many old standards and developed new social and intellectual ideals".<sup>5</sup>

The author is convinced with the opinion that where European governments are establishing a school system, the missionary finds therein his vantage ground for familiarizing the intelligent and influential section of the people with the doctrines and ideals of the Christian religion. The author concludes that, 'If the eḡvangelization of Moslem childhood is part of the plan of God - and no thoughtful Christian man or woman can for a moment doubt - there was never a time when this task was more urgent and more possible than it is today". The author encourages the missionaries enthusiastically to come forward because, as in his words, "today, as never before, there is manifest among Muslims,<sup>6</sup> an interest in Christianity and its teachings".

This may be more clarified to studying the famous speech delivered in the British House of Commons by Balfour on 'The problems with which we have to deal in Egypt'.

On June 13, 1910 Arthur James Balfour made the great themes - Knowledge and Power - very clear. He associated the European mind of supremacy with their knowledge of Egypt. He argued that the West was dominating Egypt not because they were militarily superior or economically stronger but because of their "knowledge" - knowledge of Egypt, its history and civilization in all aspects - the origins, the developments and the declines. He said without any hesitation:

'I take up no attitude of superiority. But I ask who has even the most superficial knowledge of history, if they will look in the face the facts with which a British statesman has to deal when he is put in a position of supremacy over great races like the inhabitants of Egypt and countries in the East. We know the civilization of Egypt better than we know the civilization of any other country. We know it further back; we know it more intimately; we know more about it. It goes far beyond the petty span of the history of our race, which is lost in the prehistoric period at a time when the Egyptian civilization had already passed its prime. Look at all the oriental countries. Do not talk about superiority or inferiority'.

Balfour, here, did not condemn the superiority of British Empire nor he criticized the occupation of Egypt by the West. He also did not deny the British superiority and Egyptian inferiority. He took them for granted as he described the consequences of knowledge.

Balfour, in his next part of argument discussed the legitimacy of European occupation of Egypt and advocated their continued existence in the East. He said:

'Is it a good thing for these great nations - I admit their greatness - that this absolute government should be exercised by us? If think it is a good thing. I think that experiences show that they have got under it far better government than in the whole history of the world they ever had before and which not only is a benefit to them, but is undoubtedly a benefit to the whole of the civilized west ... We are in Egypt not merely for the sake of the Egyptians, though we are there for their sake; we are there also for the sake of Europe at large.'

Thus, it is quite clear that westerners planned to occupy the East through the scholars, missionaries and teachers.

Orientalism, Orientalists: Meaning and Definition:

The history of oriental studies of Islamic history, culture, general teachings mainly on the Quran and Prophet, reveals that from the very beginning, there had been confrontations between Islam and Christianity generated by orientalist thinking and spirit. Though the Jews and Christians share with Muslims a common religious and cultural heritage; they are linked together with indissoluble ties, yet their common legacy has never been able to prevent the development of the most hostile feelings of enmity and strife. The gulf that separates them is so deep that, as circumstances stand, it appears to be unbridgeable. The Orientalists are fully aware of the fact that even today when the Muslims have sunk in to the most abysmal depths of degradation and decay, Islam still remains the most formidable potential rival to the modern west, boldly challenging all its hedonistic culture stands for.

As for as the technical sense of Orientalism is concerned the movement and its academic activities were started properly after a long period, consequently the words 'Orientalism' and 'Orientalists' are not of ancient origin. These words were used as the special technical terms only in the later

12

period of eighteenth century. The two terms were derived from the word Orient that means the 'East' when the sun rises. The word oriental is the objective of the same which is contrasted with the 'Occidental'. It comprises also the nature who belongs to a division comprising Southern Asia and the Malay Archipelago and includes the Philippines Borneo and Jawa, while the word Orientalism<sup>13</sup> indicates the oriental character or characteristics; an oriental peculiarity, knowledge of oriental languages, literature or culture.<sup>14</sup> From the same word 'Orientalist' is also derived that means the Western person who expertise over the oriental languages, arts, literatures, cultures and civilizations.

The orientalism came forward in its original shape clearly when it added the study of Quran and Prophet as the oponent sources. This enimity and hatred first was demonstrated in the guise of missionary enthusiasm. After a short time due to some objectives it weared the dress of intellectuality and academic services.<sup>15</sup> The Orientalism is a movement, an attitude and discipline. Within the framework of Orientalism Islam was misrepresented and was declared out-dated and unadjusting. Attempts to revive and glorify the ancient languages and cultures were made again in Egypt, Iraq, North Africa and other regions so that these cultures

could provide a challenge to Islamic culture and civilization. The objective of all these studies was nothing but to fulfil its special mission - to organize and propagate anti-Islamic activities. The orientalist made mountains out of mole-hills with a view to serving political or religious ends. They taxed their energies to point out mistakes and failings, real or imaginary in the Islamic history, culture and literature and presented them in a dramatic manner in order to highlight only the imaginary dark features. The knowledge and intelligence pressed them to offer a microscopic examination of their topics with a view to stretching the truth for painting a very dismal picture of Islam, its laws and culture with a view to disenchant and despond the Muslim young men with Islam and its way of life and in the present and future of the Islamic world. Consequently they became the most ardent supporters of "modernization" of Islam and reform of Shariah. The orientalist, in this phase, determined their objectives first then to prove their propositions, collected evidence from all sorts of unauthentic works on different events unrelated to the subject of their study. Materials from religious tracts, historical and literary stories, poetry, fictions and anecdotes were collected and used artfully in order to present novel theories which do not exist anywhere save in their imagination. Very often



they enumerated the merits of a respected luminary of Islam, held dear by the Muslims imputing some moral failings to him which can condemn him in the eyes of the readers.<sup>16</sup> While giving an account of a call or a personality associated with it, they delineated the historical, social and economic conditions in such a way as to give the impression that the call in question and the personality giving it were in fact the products of the circumstances. Their writings gave the impression that the times in which that call was given was ripe for a revolution of that kind and the only contribution of the great personage was to make a current assessment of the then situation and pull strings of a drama already set for the occasion.<sup>17</sup> The circumstances, not the person, had made the history.

The Orientalists always worked with the missionary spirit to disgrace Islam, of course their techniques were changed time to time. They, coming out of limited circle of enthusiastic approach, came forward with the weapon of logic, knowledge and argument. They adjusted their technique to defame Islam and the Prophet. Later their anti-Islamic attitude was minimized comparatively. Briefly, the orientalist attitude and technique differed from time to time. Consequently their mode of reasoning, arguments and

narration vary and standard of their thought and art, research and academic works differ but the objective of orientalizing never changed.

### Three Phases of Orientalism:

The study of orientalism can be divided into three phases:

#### First Phase (16th Century)

If the movement of orientalism is to be considered as symbol of anti-Islamic activities of Jews and Christians, the origin of movement may be traced from the very beginning of Islam. <sup>18</sup> From the beginning, the roots of Judaeo-Christian hostility of Islam were seen in the Quran. The 'People of the Book' were quick not only to deny but to challenge Muhammad's role as the bearer of a divine message, and thus began a chain of polemics that continued, parading under different banners, almost to our own times. Before being organized as a movement, the west had been, in the different periods of history, reacted against Islam and the Prophet. The enthusiastic anti-Islamic traditions and legends have been transformed from heart to heart in the whole history of the west. This continued violently up to

the four centuries after the prophacy of Mohammad (P.B.U.H.). Moreover the continuous failure of west in crusades made the Europeans scattered and dispersed both in politics and military power and their defeat provided the motive to harm the Muslims on the front of intellectuality.<sup>19</sup>

To the Christians, Islam came to symbolize terror, devastation, the demonic, hordes of hated barbarians. For Europe, Islam was a lasting trauma. After the Prophet's death in 632 A.D., the military and later the cultural and religious hegemony of Islam grew enormously. Persia, Syria and Egypt. then Turkey and North Africa fell to the Muslim armies. In the eighth and ninth centuries, Spain, Sicily and parts of France were conquered. By the thirteenth and fourteenth centuries Islam ruled as far east as India, Indonesia and China. To this extraordinary success of Islam Europe could respond with very little except fear and a kind of awe. Even Norman Daniel, who tried to understand Islam in a more appropriate manner, made Islam similar to Christianity where the basis of faith is Christ. He gave the name "Mohammedanism" and the automatic epithet "imposter" applied to Mohammad (P.B.U.H).<sup>20</sup> Out of such and many other misconceptions there, formed a circle which was never broken by imaginative exteriorisation.<sup>21</sup> In this period, "Islam became

an image whose function was not so much to represent Islam in  
 itself as to represent it for the medieval Christian". Daniel  
 writes:

"The invariable tendency to neglect what the Quran meant, or what Muslim thought it meant, or what Muslims thought or did in any given circumstances, necessarily implies that Quranic and other Islamic doctrine was presented in a form that would convince Christians and more and more extravagant forms would stand a chance of acceptance as the distance of the writers and great reluctance that what Muslims said Muslims believed was accepted as what they did believe. There was a Christian picture in which the details (even under the pressure of facts) were abandoned as little as possible and in which the general outline was never abandoned. There were shades of difference, but only with a common frame work. All the corrections that were made in the interests of an increasing accuracy were only a defence of what had newly been realized to be vulnerable, a shoring up of a weakened structure. Christian opinion was an erection which could not be demolished, even to be rebuilt".<sup>23</sup>

This rigorous Christian picture of Islam was intensified when John of Segovia, Nicholas of Cusa, Jean Germain and Aeneas Silvius (Pius II) attempted to convert the Muslims through a conference to which R.W. Southern saw "as an instrument with a political as well as a strictly religious function and in words which will strike a chord in modern breast". The Christians in the Conference ~~wanted~~ to stage the orient and Europe together to make it clear to Muslims that  
<sup>24</sup>  
 Islam was just a misguided version of Christianity. The writers acclaimed that Mohammad was the disseminator of a

false revelation, epitome of treachery, debauchery, sodomy and a whole battery of assorted treachries, all of which derived 'logically' from his doctrinal impostures.<sup>25</sup>

26

In this period Guillaume Postel<sup>26</sup> (1510-1581) a French Orientalist made his key-role contribution with the reference of dictionary and linguistics. For him the College of France was established in 1539 A.D. and he was the first Chairman of Department of Arabic in the same institution. Postel boasted that he could get across Asia as far as China without needing an interpreter.<sup>27</sup> His work was enhanced with the same reference of dictionary and linguistics by his qualified disciple Joseph Scaliger. After a preparatory efforts of forty to fortyfive years the Arabic publications series were started in Europe in 1586 A.D. This humble beginning goes to a large extent to the credit of Duke of Tuscani.<sup>28</sup>

During this phase the oriental studies were found and established. The period may, therefore, be called the beginning of Orientalism. Secondly, the movement started in a mere Christian and missionary background that has<sup>29</sup> affected the whole history of oriental studies.

Second Phase

Seventh and eighth centuries are of a great importance with reference of orientalism. During this period the movement developed and improved. As for as the 7th century is concerned, it is supposed to be the rising of modern Europe.<sup>30</sup> Moreover, in these days the Muslim world became gradually occupied by the colonial powers. Under the patronship of European Kings and princes, oriental informations were collected. Erpenius (1584-1624) published the first Arabic grammar that was arranged with dictionary principles. Later his pupil<sup>31</sup> Jacob Goluis (1596-1667) contributed much in this direction. In 1638 A.D., Edward Pococke (1604-1691) was the first English orientalist who was appointed as the head of the Department<sup>32</sup> of Arabic in Oxford University. In 1680 Johann Franz Meurnski of Austria contributed much to the editing and arrangement of Arabic grammar and dictionary. Moreover, an institute was established under the guidance of D' Herbelot to collect informations about Islamic Learning and culture. A significant work of this institute was that it published an<sup>33</sup> informative bibliography on oriental knowledge and learnings.

During this century the original Arabic sources were traced out and in the light of these sources oriental studies were made. The style and language used, was rather soft and sympathetic due to original sources and materials.<sup>34</sup> During this century, Bedwell W. (1561-1632) edited a seven volume book on Arabic dictionary and in 1615 A.D. published a book on the life of Mohammad (P.B.U.H.)<sup>35</sup> Vattier P. (1613-1667) was an expert in Arabic. He translated many Arabic works in French language.<sup>36</sup> Hattinger, J.H. (1620-1667) a Swiss Orientalist published a bibliography on oriental studies in 1658. Dr. Henry Stubbe (1631-1676) wrote a balanced book on the life and death of Mohammad (P.B.U.H.). This may be approved as a moderate and appropriate, but some historical mistakes in it need correction. He has made an apology for the foregoing account of the primitive Christians and has requested the readers to keep the authors 'out of suspected or spurious writers, or atleast such as are partial in their own case, and ignorant either for want of learning, or want of books, and other opportunities of being rightly informed, or blinded in their judgements, by a pre-judicate opinion so that the credit of what I have written ought not to be lessened thereby, being agreable to the history of the acts of the Apostles, and the

real existence of things, and therefore ought to be worked upon as a complete refutation of them all; for if what I say be true, as I am certain it is, the contrary must be false.<sup>37</sup>

Dr. Stubbe very frankly admits that:

The original and progress of Mahometanism was one of the greatest transactions the world has ever been acquainted with, wherein a new religion was introduced which hath now maintained itself above a thousand years, and (to the desolation in a manner of Paganism, Judaism and Christianity) hath increased its extent and spread its proselites over more than a fifth part of the known earth, to which Judaism, including all its colonies was never equal, nor perhaps Christianity itself.<sup>38</sup>

In 1653 A.D. Alexander Ross published his book 'Pandeblis' that was thought written in the frame work of comparative study of religions but its one part contains the matter on Islam and the Prophet. The same author in his previous writing 'A Brief Sketch of Life and Death of Mahomet, the Prophet of Turks and Author of the Al-Coran Accompanying the Translation of the Koran' is based on medieval traditional mythologies and anti-Islamic poisonous matters.<sup>39</sup> In this book, he frequently employed sacred epithets such as 'The Great Arabian Imposter', 'The Little Horn in Daniel', 'Arabian Swine', 'Goliath', 'Grand Hypocrite', 'Great Hypocrite', 'Great Thief', 'Thieving Cacus', 'Mahomet the Great Desloyers as his name signifies'. He has similar expressions for the



Quran, and referred to it as, 'A gallimaufry of errors', 'Mis-shapen issue of Mahomet's brain', or 'Corrupted puddle of Mahomet's invention'. In his 'Religions of the World' this writer discussed the very important question, 'was Mahomet that great Anti-Christ spoken of by St. Paul and St. John'? He compares the traditional description of the Anti-Christ with the character of the Prophet, but fails to establish their identity. Wherefore he said that Mahomet could not be that Anti-Christ. In his further discourse, however, he said: 'Yet I can not deny that he was Anti-Christ, in broaching a doctrine repugnant to Christ's divinity, and in persecuting Christ in his members. 'Besides', said he, 'the number of the Beast, 666 is found in his name'.<sup>40</sup>

In 1678 A.D. Lancelot Addison published his work entitled 'The First State of Mohammedanism or An Account of the Author and Doctrine of the Imposture'. In the next year the same book was published entitled 'The Life and Death of Mohammad' but its sources were the Italian senseless materials. An other orientalist Numphrey Prideaux wrote the life of Prophet and made him approved the 'imposture, liar, cunning and artful'. Moreover his book was studied one century as a standard work of reference.<sup>41</sup>

During eighteenth century the orientalist movement improved gradually. Rationality prevailed and soften and objectivity could be noticed. The acknowledgement and admiration began. The Islam and the Prophet were recognised to some extent. In this phase, the oriental studies were organized on collective and state levels. The institutes of oriental languages were established. Oriental libraries were founded and Asiatic societies were organized.<sup>42</sup> The terms orientalism and orientalist were, for the first time, used in this century in 1779 A.D. in England and in 1799 A.D. in France.<sup>43</sup> The most eminent oriental scholars of this century are as follows:

S. Ockley (1678-1720 A.D.) an English orientalist wrote the History of Saracens in three volumes whose first volume was published in 1708 A.D. A recent historian of orientalism has opened that Ockley's attitude towards the Muslims 'shocked painfully' his European audience. For not only did Ockley make this Islamic pre-eminence clear in his work; he also 'gave Europe its first authentic and substantial task of the Arab viewpoint touching the wars with Byzantium and Persia', However Ockley was careful to dissociate himself from the infectious influence of Islam and unlike his colleague William Whiston (Newton's successor at Cambridge) he also

made it clear that Islam was an outrageous heresy. For his Islamic enthusiasm, on the other hand, Whiston was expelled<sup>44</sup> from Cambridge in 1709 A.D.

Edward Pocock (1648-1727 A.D.) G. Sale (1677-1736) J. Ganiel (1870-1940) J.J. Reiske (1716-1774) Edward Gibbon (1737-1794) and Voltaire (1694-1778) were some of the distinguished writers on Islam and Muslims. They produced voluminous research works on Arabs and their cultures. Sale translated the Quran in English in 1734 and wrote 'Mohammad (P.B.U.H.)<sup>45</sup> 'The Imposter' and Islam the 'false religion'. Gibbon in his writings declared the Prophet 'imposter' and said that he (P.B.U.H.)<sup>45</sup> in his later days was inclined to sexuality a selfishness. He in his famous book could not forget the 'militant' Islam dominated or effectively threatened European Christianity. He wrote:

'In the victorious days of Roman republic it has been the aim of the senate to confine their councils and religions to a single war, and completely to suppress a first enemy before they provoked the hostile ties of a second. These limited maxims of policy were disdained by the magnanimity or enthusiasm of the Arabian Caliphs. With the same vigour and success they invaded the successors of Augustus and Artaxerxes and the rival monarchies at the same instant became the prey of an enemy whom they had so long been accustomed to despise. In the ten years of the administration of Omar, the Saracens reduced to his obedience thirty-six thousand cities or castles, destroyed, four thousand churches or temples of the unbelievers, and edified fourteen moschs for the exercise of the religion of

Mohammad. One hundred years after his flight from Mecca the arms and reign of his successors extended from India to the Atlantic Ocean, over the various and distant provinces ...<sup>47</sup>

### Third Phase

The nineteenth century and the first quarter of the 20th century are of great importance for Muslims and oriental scholars both. Muslim countries were gradually colonized by Western Powers. They were politically, militarily, culturally dominated by the west. The victorious march of arms as the result of a certain technical skill due to the progress in science and technology in Europe, on the one hand, and the object decadence and cross ignorance of the Muslim and other colonial peoples on the other in Asia and Africa, created in the West a sense of pride and a feeling of superiority which had developed in to a psychological complex and which Europe regarded as some thing permanent and ordained by Providence. At the greatest hour of his wordly - triumph, the Western man, coordinating the powers of the state, church and academia, launched his more determined assault on the citadel of Muslim faith. All the aberrant streaks of his arrogant personality - its reckless rationalism, its world - domineering phantasy and its sectarian fanaticism - joined in an unholy conspiracy to

dislodge the Muslim Scripture from its firmly entrenched position as the epitome of historic authenticity and moral unassailability. Naturally from writers who wrote of events under this influence, Islam could not get a fair deal. Facts are misread, most tortuous meanings put on simple events and most sinister suggestions made about the great personalities of Islam. If the writers in the Middle Ages were blind to Islam due to their ignorance or they tried to excite grossest feelings against the Prophet, the modern school of writers due to obvious motives and unconsciously and with usual inability to treat Islam in a fair manner has also misinterpreted facts, minimised the mission of the Prophet and depreciated the value of Islam's contribution to universal culture. And all this is done with the so-called 'strict impartiality' in the 'interest of science'.

A certain public opinion against Islam is formed in Europe by dubbing it as anti-European. The old shibboleth of Islam as anti-Christian is now replaced by Islam as anti-European, though Europe, a part from its geographical misnomer, has never existed as a united continent and it is strange to say that it has never been wholly Christian inspite of the rule of the Popes for centuries. A whole group of writers in this phase has played the old game vilifying Islam,

invoking the name of the new goddess of science and scientific  
 48  
 history.

In this period a number of orientalist came forward and contributed much to Islamic studies. Due to their devotion and abstinence, Arabic and Persian manuscripts were edited and published. Islamic historical sources, their indexation, bibliographies and chapterisation were arranged. Muslims should oblige them that a number of unknown and missing books could be popular and prevalent. During the same period Society Asiatic of Paris (1822 A.D.), Royal Asiatic Society of Great Britain and Ireland (1823) American Oriental Society (1842) and other oriental research institutes were established. Many journals were published. The Muslim World from India, Reaed-el-Islam from Paris in 1895 Mir Islam from Russia in 1912 A.D., were published to introduce  
 49  
 the movement. In 1873, the first Orientalist Congress was organized in Paris and was concluded in its retrogressive position when compared with the other sciences, its general methodological and ideological backwardness and its comparative insularity from developments both in the other humanities and in the real world of historical, economic, social  
 50  
 and political circumstances.

In this phase the movement developed rapidly and covered a long distance swiftly in all its departments. Their attitude and discipline were became more clear and their activities reflected in a very organized manner. J.J.Sedillot (1777-1832), A.N. Desvergers (1805-1867), A. Person (1805-1876), Garcin de Tassy (1794-1887), J. White (1746-1814), W. Wright (1830-1889), E.H. Palmer (1840-1883), P. de Jong (1832-1890), M.J. de Goeje (1836-1909), H.L. Fleischer (1801-1888), F. Wustenfeld (1808-1899), N. Beresine (1818-1898), White Joseph Blanco (1775-1841), Edward Sachau, Salim Nauphel, Von Kermer, Barbier de Meynard (1827-1908) Rene Basset (1855-1924), G. Lebon (b. 1841), Goldziher (1850-1921), J. Wellhausen (1844-1918), Washington Irving (1783-1859) and Eugene Young (d. 1920) were some of the distinguished scholars who advanced the movement with their valuable contributions. There was definite change in their treatment of and behaviour towards Islam. However, there was no change in their objectives and motivations.

#### Orientalism Now:

In the modern world and more noticeably since world war II, the Islam and Muslims become a popular subject of study in America. Islam and Muslims received attention not only in academic world, but the policy-planners and Business

Community, too, could not be offended to ignore them. "The scientific enquiry" as Smith pointed out, "stands ever ready to modify its hypothesis; and as a matter of fact, the non-Muslim West has just begun to soften, even to withdraw, its 'no'".<sup>51</sup> Sir Hamilton Gibb in a recent article explicitly states that, "For myself, I unhesitatingly accept the term "Revelation" (in Arabic tanzil, "sending down" or 'wahy' "inner communication") as the description of Mohammed's personal experience, although Islam, like the other monotheistic religions, is faced with the necessity of reinterpreting the no longer tenable medieval concepts of revelation".<sup>52</sup> Similarly a Christian theologian Kenneth Cragg, leading theorists of Protestant missions to Muslims, no longer responds to the Quran by rejecting it theologically.<sup>53</sup> He has very recently written: "Islam must either baptize change in its spirit or renounce its own relevance to life."<sup>54</sup> It is difficult to discover what exactly this means. It is incorrect to say that Islam is too rigid and sanctions no change. Outside the central doctrine of the faith and the postulates of a simple theology, Islam has undergone revolutionary change in that very department of system which controls the life of the individual and community. But, as H.A.R. Gibb, who is careful to avoid meddling or patronizing, has rightly



observed that what the Muslims are doing, or will do, with  
<sup>55</sup>  
 their systems of beliefs and laws belong to Ulama. The  
 second part of the statement sounds like preaching by an  
<sup>56</sup>  
 outsider to Muslims on what to do with their religion.

"It seems clear that the next generation of scholars, without  
 accepting the traditional Muslim answer, will go beyond the  
 traditional non-Muslim one", says Smith. He concludes that,  
 "intellectually the understandings of Christians and  
 Muslims must coverage, even if morally they choose to  
 respond differently. Reactions to the universe, the exist-  
 ential religions response, may presumably continue to be  
<sup>57</sup>  
 a personal or group adventure". Prince Leone Caetani  
 (1869-1935) a great Italian orientalist when published  
 the first volume of his 'Annali dell' Islam' in 1905, it  
 took the Western Orientalists by storm, for never a book  
 so grandiose in its design and so daring and vast in its  
 scope was conceived, planned and brought out with such  
 splendid success in modern times. For fifteen years he  
 prepared and worked silently and sedulously over it  
 collecting, classifying and analysing the materials at  
 his disposal. Of Islam as a religion of democracy he says:  
 "Islam has spread itself in the world remaining in a singular  
 manner faithful to some of its original principles and

creating thus a society without aristocracy, a society not only in theory but also in practice, in which there runs a spirit of democratic equality of a social and economic character among all the classes of a single race and even among the members of diverse races as well. Such a social<sup>58</sup> phenomenon was never known in the world before Islam".

J.N.D. Anderson, who lectures on Islamic law in the University of London managed to include in a single article almost all the medieval objections to Muhammad (P.B.U.H.) and Islam. What is surprising is that he professes in the foreword to provide 'factual information' to treat the subject 'objectively', to be 'scrupulously fair', and to avoid 'adverse comparison with Christianity'. But soon after these professions of objectivity he writes, 'there can be no manner of doubt' that Muhammad absorbed his ideas from Talmudic and apocryphal sources, and that 'it seems overwhelmingly probable' that he derived inspiration<sup>59</sup> from Christianity.

In modern times the orientalism has become more objective, rational and reasonable but since orientalism is fundamentally a political doctrine willed over the orient because the Orient was weaker than the west, it may

be correct to say that every European, in what he can say about the orient, is consequently a racist, an imperialist<sup>60</sup> and almost totally ethnocentric. For example Montgomery Watt, a moderate orientalist when writes on Quran and Sunnah, tried to cast doubt on the teachings of Islam by challenging their authenticity. He has attempted to prove that, at least some portions of the Quran and Hadith are fabricated or inconsistent and are, therefore, unreliable sources for the Islamic way of life. He alleged that some 'Saʿānic verses' are incorporated in the Quran . Discussing the Hadith al-Gharaniq, baselessly he suggests that at least one time Muhammad had publicly recited the Saʿānic verses as part of the Quran. It is unthinkable, he argues that, the story, if rejected by Muslims, is foisted upon them by non-Muslims. Secondly, at some later time, Mohammad announced that these verses were not really part of the Quran and should be replaced by others of a vastly different import.<sup>61</sup> Watt apparently bases the story on some historical sources, which at first sight, seem quite weighty but on critical investigation fail to satisfy the criteria of historical criticism. Muslim writers in the past such as Ibn Ishaq, Ibn Hisham, al-Suhaili, Ibn Kathir, al-Bayhaqi, Qazi Iyaz, Ibn-Khuzaima, al-Razi, al-Qurtubi, al-Ayni, al-Shawkani, etc. as well as contemporary and near-contemporary writers like Abul Ala Maududi, Sayyid Qutb, Mohammad

Hussain Haykal etc. have all rejected the story as preposterous and without foundation.<sup>62</sup>

Caetani, in spite of his thorough study of Islam, sees the Prophet through the influences and tendencies of his time. He treats him as a clever, patriotic 19th century statesman, consummate in the art of diplomacy and political manouvering and well-versed in tariff problems, who wanted simply to reform his own people and did not bother about mankind. He says that from the time Mohammad migrated to Madina, mundane and temporal affairs acquired ascendancy over the spiritual and devine elements in the course of a long struggle.<sup>63</sup> This is certainly not at all a true picture of the man or of his mission.

### Conclusion:

The basic point to realize about orientalist studies in Islam is that the entire claim to objectivity, academic method, impartiality and so forth as their distinguishing features from similar studies that Muslims might engage in, is basically false.<sup>64</sup> "Orientalism responded more to the culture that produced it than to its putative object, which was also produced by the west. Thus the history of

orientalism has both an internal consistency and a highly articulated set of relationships to the dominant culture surrounding it".<sup>65</sup>

Moreover, the history of popular anti-Arab and anti-Islamic prejudice in the West, which is reflected in the history of orientalism, while existing the struggle between the Arabs and Israeli Zionism, there is almost total absence of impartiality and consequently is not possible either to identify with or to discuss objectively the Arabs or Islam. These facts have contributed to make even the simplest perception of the Arabs or Islam highly politicized almost raucous matter.<sup>66</sup>

Secondly, there is spreading of interest in to many directions, too much width and not enough depth. It has often been thought adequate for a person to have a command of Arabic and possibly one other Islamic language for him to express himself in an academic fashion. Very few, indeed, are the orientalist who can conduct and sustain a discussion in an Arabic (or Persian or Turkish) intelligible to an educated Muslim.<sup>67</sup> One can say, unfortunately, that among orientalist there are very few people of such all embracing genius. There are two basic general considerations

that should be held in mind while explaining orientalism.  
First of all in many cases a refusal to confine oneself  
to a specialized field and secondly an absence of adequate  
command of the basic tool of Islamic research, the Arabic  
language.<sup>68</sup>

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Footnotes and References

1. Said Edward W. Orientalism, Roulledge & Kegan Paul Ltd.  
London, 1978, p. 1.
2. Ibid., p. 2
3. Ibid., p. 11
4. Ibid., pp. 14-15
5. Samuel M. Zwemer, Childhood in the Moslem World, Fleming  
H. Revell Co., New York, 1915 p. 266
6. Ibid., p. 267
7. Thornton, A.P. The Imperial India and its Enemies:  
A Study of British Power, London, Macmillan and Co.  
1959, p. 357.
8. Ibid., p. 360
9. What is the policy of Christian missionaries? How do they  
work and what are their methods. Let one of them speak  
for himself.

I beg to lay before you the following proposals with  
regard to an organized effort to combat the advance of  
Islam in West Africa and in Nigeria especially. As ignorance  
is the greatest strong hold of Mohammedanism, so education  
is the Church's greatest weapon in meeting it.

1. Beginning with literature, efforts should be made  
to produce vernacular books dealing with the Mohammedan  
controversy. There is a large amount of such material

already published in India and in Egypt. Gradually these could be translated into the different vernaculars and thus the weapons already forged in warfare against Islam else where would at once become available in West Africa.

2. In all Christian missionary schools, definite instruction should be given on the errors of Islam and pupils forearmed. As Mohammedanism claims to be a larger revelation and to supersede Christianity, it is imperative that this bold challenge should be met and not passed over in silence and that every mission pupil should learn not only the Christian truths, but also their position with regard to the Islamic attack on those truths.

3. Every effort should be made to encourage the systematic study of this question by all workers both clergy and Layman, as too often they are not well-equipped to meet the current objections to Christianity put into the minds of their hearers who may at any time become convinced.

4. Evangelistic effort ought to be more used among Mohammedans. Special meetings ought to be held for Mohammedans and every means tried to find out what sort of address or what form of gathering appeals to them. Preachers will need to be well trained for this work.



5. Special efforts should be made to occupy strong Mohammedan centres as it is for these places that the Mohammedan influence on the pagan districts is exercised.

6. An itinerant order of native preachers should go about, much the same way so Mohammedan malams travels from village to villages, as a great means for extending the Kingdom. The men would need to be specially trained, and would then be given as free a hand as possible, travelling in a certain district and staying in the villages for a week or a month and endeavouring to get some place or building set apart for Christian worship. The ordinary visit of the missionary too soon is forgotten while the itinerant missionary, free to stay in the place for a month if need be, would be able to reap some of the fruit and leave a permanent instead of a transient impression. We should aim at placing a well-educated native teacher, catechist or minister wherever there is a Mohammedan village.

7. An attempt to plant colleges of trained Christian scholars in Mohammedanism in all great centres of population.

8. A series of books, the work of trained theologians and experts from the Mohammedan field, containing the best

and soundest answers to all the usual Mohammedan objections and free from all unsound and defective arguments. These could be translated ad lib.

9. An appeal to men at home, the very best our universities have to give, to devote themselves to this work and to offer themselves where the battle is keenest and the call most urgent. (Gairdner, W.H.T., The Reproach of Islam, The Foreign Mission Committee of the Church of Scotland, Edinburgh, 1909 pp. 284-288).

This is a suitable place to evaluate W.C. Smith's lyrical review of G. Cragg's 'City of Wrong' (A Friday in Jarusalem) published in 'The Muslim World, (April 1961). The book is, of course, a translation of the Arabic Philosophical novel by Muhammad Kamil Hussain, Qaryatun Zalimah. The reviewer, even more than the translator, exaggerates the intensions of the novel as a 'major move' by a notable Muslim towards the Christian view of Good Friday. H.A.R. Gibb, more soberly, perceived that theology was 'irrelevant to the purpose' of the novel, that it upholds all the essential Islamic positions, and that more over it omits all reference to the Christian symbolism associated with the story. See Religion in Life XXIX (1959-60), pp.158-69. Equally judicious is Albert Hourani's review, which finds

that the novel gave 'the orthodox Muslim answer' to the two fundamental questions: whether Jesus was the son of God, and whether he was actually crucified. See Frontier, ii (Summer 1960), p. 129.

Most of the Muslim writers and researchers have the same trend. They start to write with due emphasizes on the conflict of Islam and Christianity or Islam and judaism from the very beginning. See for example:

Zakaria Hashim Zakaria, al-Mustashriqun wa al-Islam, Lujna al-Tarif bil Islam, Jumhuriya Arabia Muttaheda 1965..

Sabrah, Dr. Afaf, al-Mustashriqun wa Mushkilat al Hadharah Dar al-Muhdhah al-Arabiyyah, Cairo 1980.

A contemporary Muslim scholar Dr. Sayyid Habibul Haq Nadvi has elaborated the issue describing that, 'The history or Orientalists is nothing but the mere interpretation of the verse of Qiran :

'And the Jews will not be pleased with thee nor will the Christians till thou follow <sup>the</sup> Creed. say, the guidance of Allah is the Guidance' (ii:120).

Moreover, the whole Muslim history of fourteen centuries has been the reflection of this devine verse. Whether it was the political field or the fields of knowledge, research of academy, anti-Islamic attitude was the main part of the Orientalist's policy, See for details:

Islam and Orientalists (Urdu), Monthly Maarif Azamgarh, May-July 1983, pp. 329-332.

Qureshi Prof. Zafar Ali, Prophet Muhammad and His Western Critics, Monthly Islamic Literature, March 1968 - October 1968, Vol. XIV, specially see the April issue 1968, p. 17.

12. The Oxford English Dictionary, Oxford 1933, Vol. VII p. 200.
13. The Encyclopaedia of Religion and Ethics has made the word synonymous with the 'syncretism' that indicates the clear background of religious and philosophical implications of the word.
14. New Webster's Dictionary of the English Languages, Chicago 1975, p. 1046.
15. For example to search in the weak aspects of Muslims, to provide the appropriate logic and evidence to subvert Islam and Muslim history, to imprint the 'Christian purity' on the Muslim world and to extend and improve the Christian missionary activities they worked See for detail: Sabrah, Dr. Afaf al Mustashriqun wa Mushkilat al Hadharah Dar al Nuhdhah al Arabiyah. Cairo 1980, pp. 33-34.
16. See for detail: Anwar al-Jundi, Al-Fikr al-Arbi al-Mu'asir fi Marikah al-Taghrib wa al-Tabiat al-thaqafiyah, Al-Risalah Publications, Cairo, pp. 133-137.
17. See for detail: Abul Hasan Ali, Maulana, Islamic Studies: Orientalists and Muslim Scholars, Academy of Islamic Research and Publications, Lucknow, 1983, pp. 7-20.

18. Loofty Levenian, the Orientalist has written that all the relations in the past between Christians and Muslims, were totally of enmity and hostile. See for reference: Qureshi, Prof. Zafar Ali, Military and Political Clash between Christendom and the world of Islam, Islamic Literature, ed. M. Ashraf, Lahore Vol. XIV No. 4 (April 1986), p. 18.

If the statement of some writers is assumed to be correct, the first clash between the two was occurred when the Christian army invaded Makkah under the leadership of Abraha who was murdered on the spot. Soon after two months of this event the Prophet (P.B.U.H.) was born. See: Thomas Right, Early Christianity in Arabia, London, 1855, p. 152.

A modern writer, praising Abraha, writes that the invasion was failed, probably a pestilence destroyed the bulk of the Abyssinian forces and saved the city. Abraha did not long survive this setback; the natives of the Yemen rose in revolt and sought aid from Persia. The writer concludes the discussion, "Had Abraha taken Mecca, the whole peninsula would have been thrown open to christian and Byzantine penetration; the Cross would have been raised on the Kaba and Mohammad might have died a priest or monk". Saunders, J.J. Routledge and Kegan Paul, London, 1965, p. 14.

19. Al-Aqiqi Naieeb, al-Mustashriqun, Dar al-Ma'arif, Egypt, IIIrd edition 1964, Vol. I, pp. 60-65.

20. Daniel, Norman, Islam and the West: The Making of an Image, Edinburg, University Press 1960, p. 33. See also: James Kritzeck, Peter the Venerable and Islam, Princiton, N.J., Princiton University Press, 1964.
21. Daniel, Islam and the West, op.cit., p. 252.
22. Said, E.W., Orientalism, op.cit. p. 60.
23. Daniel, Islam and the West, op.cit. pp. 259-60.
24. Southern has brilliantly shown that in this period Christian thinkers were anxious to do some thing about Islam. He concludes the discussion:

"Most conspicuous to us in the inability of any of these systems of thought (European Christian) to provide a fully satisfying explanation of the phenomenon they had set out to explain (Islam) - still less to influence the course of practical events in a decisive way. At a practical level, events never turned out either so well or so ill as the most intelligent observers predicted, and it is perhaps worth noticing that they never turned out better than when the best judges confidently expected a happy ending. Was there any progress (in Christian Knowledge of Islam)? I must express my conviction that there was. Even if the solution of the problem remained obstinately hidden from sight, the statement of the problem became more complex, more rational

and more related to experience .... The scholars who labored at the problem of Islam in the Middle Ages failed to find the solution they sought and desired; but they developed habits of mind and powers of comprehension which, in other men and in other fields, may yet deserve success".

Southern, R.W. Western Views of Islam in the Middle Ages, Cambridge, Mass: Harvard University Press, 1962, pp. 91-02, 108-09.

25. Daniel, Islam and the West, op.cit. pp. 246-96.
26. Al-Munjid, Catholic Publication, Beirut, 1927, p. 89.  
Al-Aqiqi, al Mustashriqun, Vol. I, op.cit. p. 160.
27. Said, E.W. Orientalism, op.cit., p. 51.
28. Rodinson Maxime, Legacy of Islam, op.cit., p. 35.
29. Nadvi, Sayyid Habibul Haque, Islam Aur Mustashregin, Monthly Maarif (Urdu) Azamgarh, May 1983, p. 346 Maulana Abdul Quddus Hashmi has given a list of those Christian priests who were trained for a long time by monks. See for detail: Mustashriqin Aur Tahqiqat-e-Islami (Urdu) Maktaba Milli, 1969, pp. 27-28.
30. Shibli Nomani, Seeratun Nabi, Vol. I, Darul Musannefin Azamgarh, 1971, p. 88.
31. Rodhinson, op.cit., p. 36.
32. Webster's Biographical Dictionary, p. 1194.

33. Hammadeh, Mohammad Maher, Mohammad-The Prophet: A selected Bibliography, The University of Michigan, Ph.D. 1965, lib. sc. p. 75. (Unpublished Photostate copy).
34. Shibli, op.cit. p. 89, Hammadeh op.cit. p. 44.
35. Al-Aqiqi, Vol. II, op.cit., p. 464.
36. Ibid., Vol. I, p. 172.
37. Stubbe Henry, An Account of Rise and Progress of Mahometanism with the Life of Mahomet, Oriental, Lahore, 1954, pp. 52-53.
38. Ibid., p. 1.
39. Hammadeh, op.cit., p. 48.
40. Ross, A. A View of all Religions in the Wrold, 3rd edition 1958, pp. 162-79.
41. Hammadeh, op.cit., p. 49.
42. Shibli, op.cit., Vol. I, p. 90.
43. Rodhinson, op.cit., p. 47.
44. Said, E.W. Orientalism, op.cit., pp.75-76.
45. Nadvi, Prof. Sayyid Habibul Haque, op.cit., n. 350.
46. Ibid., p. 351. For further detail see: Hammadeh, op.cit., pp. 55-56.
47. Gibbon Edward, The History of the Decline and Fall of the Roman Empire, Little Brown and Co. Boston 1855, Vol. VI, p. 289.
48. Reyazul Hasan, Hamdard Islamicus, Karachi, Vol. V, No. 1 pp. 59-60.
49. Urdu Encyclopaedia of Islam, Vol. XIII pp. 112-113.



50. In the same Congress it was evident to the scholars that the Oriental Islamists were in intellectual arrears. Writing a survey of all the congresses that had been held between 1873 and 1897, the English scholar R.N. Cust had this to say about the Semitic-Islamic subfield :

Such meetings (as those held in the ancient Semitic field), indeed, advance oriental learning. The same can not be said with regard to the modern-Semitic Section; it was crowded, but the subjects discussed were of the smallest literary interest, such as would occupy the minds of the dilettanti scholars of the old school, not the great class of 'indicators' of the nineteenth century. I am forced to go back to Pliny to find a word. There was an absence from this section both of the modern philological and archeological spirit, and the report reads more like that of a congress of University tutors of the last century met to discuss the reading of a passage in a Greek play, or the accentuation of a novel, before the dawn of comparative philology had swept away the cobwebs of the scholiasts. Was it worth while to discuss whether Mahomet could hold a pen or write? (Quoted from Said, E.W. Orientalism, op.cit., pp. 261-62.)

51. Smith, W.C. On Understanding Islam - Selected Studies, Mouton Publishers, Hague 1981, p. 296.

52. Gibb, H.A.R. Pre-Islamic Monotheism in Arabia, Harvard Theological Review, 55, 1962, p. 269.

53. See for instance, his The Call of the Minaret, New York. Oxford University Press, 1956, and Sandals at the Mosque, London, S.C.M. and New York, Oxford University Press 1959.
54. The Call of Minaret, op.cit. p. 17.
55. Gibb, H.A.R., Modern Trends in Islam, Chicago, 1947, p. 1122, cf. 129. The equally misleading expression 'reform of the religion of Islam' is used by Adams, C.C., Islam and Modernism in Egypt, Oxford 1933, pp. 2, 187.
56. Tibawi, A.L., English speaking Orientalists: A Critique of their Approach to the Study of Islam and Arab Nationalism, in The Islamic Quarterly, London, 1964, Vol. VIII, No.1-2, pp. 44-45.
57. Smith, On Understanding Islam, op.cit. p. 299.
58. Quoted from: Reyazul Hasan, Prince Leone Caetani - A Great Italian Orientalist, Hamdard Islamicus, Vol. V, No.1, pp. 60-61.
59. Anderson, J.N.D. (ed), The World's Religions, London 1950, Only the article on Islam (pp. 52-98) is by the editor. The quotations in the text above appear on pp. 7-8, 54, 58, 59, 60, 82, 98, 85, 92, 93, 97-98.
60. Said, E.W., Orientalism, op.cit., p. 204.
61. Watt, Mohammad at Mecca, Oxford University Press, 1960, p. 103. He devotes more than eight pages on the topic. A summary of this idea appears also in his publication of 1968 'What is Islam'?

62. Abul Ala Maududi in his Urdu Quranic exegesis, Tafhim al-Quran Lahore 1972, Vol. III pp. 238-45, and Sirat Sarwar-i-Alam, Lahore 1979, Vol. II, pp. 572-78, critically examines all the aspects of the story and evaluates the writings of early Muslim scholars on the subject quite thoroughly. See also among others: Sayyid Qutb, Fi Zilal al Quran, Beirut, 1974, Vol. IV, pp. 2431-33, M.H. Haykal, The Life of Muhammad, translated in to English by Ismail al-Faruqi, North American Trust Publication 1976, pp. 105-14, and Zakaria Bashier, The Meccan Crucible, London 1978, pp. 180-96.

Al-Tabari, Ibn Sa'd and some other Muslim writers have mentioned (though they vary considerably in matters of detail) that the Prophet Mohammad under Satanic inspiration added two verses to the Sura al-Najm which are as follows:

تلك الغرائيق العلى، وإن شفاعتكم لترجى

(These are the high-soaring ones (deities), whose intercession is to be hoped for!)

The Prophet, it is alleged, recited these along with other verses of al-Najm in the prayer. The idolators of Mecca who were present in the Kaba at that time joined him in the prayer because he praised their deities and thus won their hearts. The story afterwards reached Abyssinia where the Muslims persecuted by the Meccan infidels had earlier migrated and many of them returned to Mecca under the impression that the

disbelievers no longer opposed the Prophet and the Islamic Movement. The story also says that the angel Gabriel came to the Prophet the same evening and told him about the mistake he had committed by reciting verses which were never revealed to him. This naturally made the Prophet worried and apprehensive. Then 'admonishing' the Prophet, God revealed the following verses of Sura Bani Israil (XVII) which read:

"They were constantly trying to tempt you away from that which we have revealed to you, so that you may substitute in its place something of your own, in which case they would have actively taken you as a friend. And if we had not made you firm, you might have indeed inclined to them a little. Then we would have made you taste a double punishment in this life and a double punishment after death and then you would not have found any helper against us" (XVII: 73-75).

This made the Prophet feel guilty and he felt much mortified until God revealed the following consoling verse at Sura al-Hajj:

"Whenever we sent a Messenger as a Prophet before you and he framed a desire, Satan put obstacles in it. Then Allah removes the obstacles placed by Satan and He firmly establishes His signs". (XXII: 52).

This is the gist of the story mentioned by al-Tabari and some other writers which has been used by the orientalists to reinforce their views on the Quran.

68. Reyazul Hasan, Prince Leone Caetani, op.cit., p. 61.
69. Dr. A.L. Tibawi, the famous writer of the treatise entitled "English-Speaking Orientalists" has concluded that "when the early polemicists indulged in abuse and misrepresentation of Islam their aim was simply destructive. With the introduction of missionary aims, however a measure of objectivity was necessary. The method of approach became a mixture of abuse and demonstration of the 'defects' of Islam, but on the basis of more solid facts for the purpose of comparison with Christianity. The first method has now been practically abandoned; the second has either been weakened or dressed in new garments. One of its wild manifestations is the suggestion that Islam must be reformed'.  
The Islamic Quarterly, London, 1964, Vol. VIII, No. 1-2, p.41.
65. Said, E.A., Orientalism, op.cit., p. 22.
66. Ibid., p. 26.
67. Tibawi, A.L., English Speaking Orientalists: A Critique of their Approach to Islam and Arab Nationalism, in The Islamic Quarterly, London, Vol. VIII, No. 1&2, p. 43.
68. Hamid Algar, The Problems of Orientalists, al-Ittihad, vol.VII pp. 14-15.

CHAPTER SECOND

THE EVOLUTION OF PROPHET'S  
POLITY: THEORETICAL AND FACTUAL  
DISCUSSIONS

### Muhammad (PBUH) as a Rasul or Statesman ?

In the case of Muhammad (PBUH), the orientalist whose versatility of knowledge, erudition, discerning insight and sharp intellect are beyond doubt and commended by all, are not totally unbiased and the concepts and ideas inherited by them from some of the early scholars are re-evaluated, though not so pronounced and easily detectable in their writings. It seems it is beyond their comprehension to see in Muhammad a divinely inspired Prophet ordained to give mankind a message of hope and happiness in all walks of human life. And therefore, to them Muhammad was a statesman, a military strategist and a patriot in terms of the contemporary west.

In one of his best articles, 'An Interpretation of Islamic History' H.A.R. Gibb writes<sup>with</sup> conviction that "Since inescapable economic forces made any permanent stabilization of inner-Arabian conditions with the implication that the forces of Islam would be used up in an interminable and sterile struggle with the tribesmen - was an inadequate solution for the problem set by them. It was necessary to find the terms on which of tribesmen as a whole could be swung, if not upto the first level of assimilation, at least on the level of identifying Islam with their own interests. Hence, the trial expeditions deliberately organized by Abu Bakr after Muhammad's death, when groups of

tribesmen were despatched under Meccan Commanders towards the frontiers of Syria'.<sup>1</sup> According to him "the first success" in this strategy encouraged the Arab rulers at Madinah, who successfully planned a series of wars and conquests in Syria and Persia, and later in Egypt, "followed by the rapid<sup>2</sup> establishment of organized central control".

Gibb in his another book has written on the subject almost in the same strain, though in a different and more cautious phraseology. He observed: "whether deliberately quid ed by Muhammad in this direction or under the unconscious play of forces which swept him along in their current, the Islamic movement became to an increasing degree, a focus of Arab feeling ... Muhammad seems to have been aware of this tendency. It may have partially contributed to (and been confirmed by) his measures against the Jewish tribes. And whether or not the story be true that in 628 he sent summons to the Roman Emperor, the Persian King of Kings, and other ruling princes, he was certainly contemplating some action against Byzantine power in the worth before his death in 632. The almost immediate launching of the first expeditions towards Syria by his<sup>3</sup> successor Abu Bakr can hardly be explained otherwise".

Further, in one of the earlier passages in the book he had remarked: "At Madina he (Muhammad) sat astride Mecca's vital trade route to the north. All his expeditions against the



Bedouin tribes seem to be part of a master plan, elaborated with great skill and insight, to take advantage of this position and blockade Mecca into surrendering".<sup>4</sup>

The Italian orientalist Prince Leone Caetani, under the impact of the general materialistic and rational tendency of his times and his deep interest in economics, geography and geology, has accounted for the rise and spread of Islam as the inevitable result of economic and geographical factors behind them. Besides these he also mentioned other factors e.g. "the power of resistance of the Arabs, the sensuality and the avidity of the Bedouin who, according to him, is the least religious and who loves plunder and depredation; the failure in general of the preaching of Muhammad who could influence only a small minority with a true religious sense, the gradual 'degeneration' of Islam into a political movement after the migration of the Prophet to Medina and the contemporary decadence and deterioration of the ~~empire~~ of Persia and Byzantium. All these led to the successful campaigns of Islam, a large part of the followers of which consisted of the Bedouins who were pure and simple plunderers<sup>out</sup> for the love of booty and adventure and for the enjoyment of unbridled license. In this movement we should not search for any religious impulse no more no less than what we can search for any religious element in the invasion of the German hordes that crossed the frontiers of the Roman Empire or that of the Tartars who

flooded Asia in the 12th century. The Arabs carried on their conquests only with material means and with moral virtues in born in their nature and to which Islam had nothing to add.<sup>5</sup> Islam was just a temporary phase".

This approach to interpret Islamic history is purely materialistic and economic. In this one would not find any reference to the historic role of the impact of the reformative revolutionary teachings of Islam on the minds of any section of the Arab tribesmen. It simply purports to make one believe, of course, in a round about way, that the moral and spiritual precepts of Islam could not attract the tribesmen of Arabia to embrace that religion; in fact, Islam served their material and, to some extent, their spiritual interests. Consequently they started identifying themselves with Islam. The Orientalists first formulated a notion and then interpreted the Islamic conquests in Syria, Persia and Egypt to justify it. They do not care to refer to the threatening postures of the Byzantine power against the Muslim Arabs since the time when the Prophet Muhammad was still alive.<sup>6</sup>

It is true that economy and geography influence the people but their influences are so imperceptibly slow that these just serve as the background and not as the active, speedy and prepondering influence of revolution. It is only the reflection of Marxian ideology where the economic conditions of man determine his philosophy and idea.<sup>7</sup>

In fact there are two ~~impediments~~ that hamper the proper understanding of the evolution of the Islamic State and its development. The first is the failure to properly analysing the political and social implications of Islam as a collective system of ideas, and the second is an assumption that the Islamic state was essentially a continuation of Pre-Islamic Arab polity.<sup>8</sup>

The west feel quite strange to include religions among political forces, because they have been accustomed to think of religion as concerned only with personal piety. They are misled, however, by the divorce of religion and politics in the West since the European wars of religion in the sixteenth and seventeenth centuries. Throughout the vast ranges of world history, it has been normal for religion to be closely linked with politics. When politics, Watt says: ~~becomes~~ serious and it is a question of men being ready to die for the cause they support, there has to be some deep driving force in these lives. Usually this force can be supplied only by a religion, or by an ideology that is acquiring some of the functions of the religion.<sup>9</sup> Islam, apart from other religions, does not divide life into water-tight compartments of matter and spirit. It stands, not for life-denial, but for life-fulfilment. It does not admit any separation between material and moral, mundane and spiritual life/<sup>and</sup> enjoins man to devote all his energies to the reconstruction

of life on healthy moral foundations. Christianity erred on one extreme; modern western civilization, in both of its variants of secular capitalistic democracy and Marxist Socialism, has erred on the other. According to Lord Snell: "We have built a nobly - proportioned outer structure; but we have neglected the essential requirement of an inner order; we have carefully designed, decorated and made clean the outside of the cup; but the inside was full of extortion and excess; we used our increased knowledge and power to administer to the comforts of the body, but we left the spirit impoverished".<sup>10</sup>

Islam is not a religion in the common distorted meaning of the word, confining its scope to the private life of man. It is a complete way of life, catering for all the fields of human existence. Islam provides guidance for all aspects of life - individual and social, material and moral, economic and political, national and international. The Quran enjoins man to enter the fold of Islam without any reservation and to follow God's Guidance in all fields of life.<sup>11</sup> The western scholars have ignored these facts while discussing and analysing the Prophet's politics.

Some scholars assert that Muhammad (PBUH) was the holy Prophet in Meccan life of course but after he migrated to Medina he turned into a politician and his prophetic role

became subsidiary. If he had died just before emigration, the world would have acclaimed him as a real Prophet who preached his religion peacefully and suffered persecution without taking up the sword. In Medina he fought battles against his enemies,<sup>12</sup> became a warrior and indulged in the black art of politics.

This is wild speculation not supported by facts. History and Seerah literature tells that far from becoming less spiritual at Medina, the Prophet of Islam touched new spiritual heights, while engaged in fighting and politics.

Hazrat Aisha, when asked about the voluntary prayers of the holy Prophet in Medina, said: 'at night he prayed for a long time standing and for a long time sitting'.<sup>13</sup>

Abu Dharr reports that God's messenger kept awake during the night till morning reciting one verse which was, if thou punishest them, they are thy servants and if Thou forgivest them, Thou art the Mighty, The Wise.<sup>14</sup>

It was in Madina that the Prophet got up at night for prayers to such an extent that his feet became swollen: On being asked why he did this when his former and latter sins had been forgiven, he replied, 'should I not be grateful servant'.<sup>15</sup>

In Madina, where the Prophet attained the great power and property, lived and died in extreme poverty. Sahl bin Sa'd said that the Prophet never saw white bread from the time God

commissioned him till God took him. He also said that the Prophet did not see the sieve till he breathed his last. He was asked how he could eat unsifted barely and replied that they ground it and blew it, and when some of it had flown away,<sup>16</sup> they moistened and ate what was left.

How hard and abstemious was the life of the Prophet at Medina is attested by a tradition reported by Aisha which says that sometimes a month would come in which they did not kindle a fire, having only dates and water, unless a little meat was<sup>17</sup> brought.

She also said that Muhammad's family did not have a full meal of wheaten bread on two successive days but would have dates on one of them. She further said that upto the death of the Prophet they did not have a full meal of dates and water. Similarly, An Numan bin Bashir reports, "I have seen your<sup>18</sup> Prophet unable to get enough poor dates to fill his belly.

It ~~was~~ the life of the holy Prophet at Medina where he had all resources of Arabia-at <sup>his</sup> / command. As regard his material possessions at Medina, a tradition by Aisha says that the Prophet did not leave a dinar or dirham or a sheep or a camel and did not make a will about any thing. Amr bin al-Harith, the brother of Juwairiyah, says that when the Prophet died, he did not leave a dinar or dirham, a slave or a slave woman, or any thing but

his white she-mule, his weapons and some land which he left as sadagah (alms).<sup>19</sup> Therefore, it seems incorrect to say that his Prophetic role became subsidiary to his statesmanship.

#### Constitution of Medina :

Muhammad (P.B.U.H.) in the first year of his migration to Medinah, had a deed draw up in which there was a detailed discussion of the prerogatives and obligations of the ruler and the ruled as well as of other immediate requirements. This document contains fifty-two sections. To Muslim Scholars, there is no instance of the constitution of a country, as distinct from ordinary laws, reduced to writing, before the time of the Holy Prophet.<sup>20</sup> This bound the whole popylace of Medinah, whether Muslims or non-Muslims, into a political and social organization. This brought with it a very revolutionary change and improvement by providing the people with a central public institution for seeking justice. In this constitution, Holy Prophet secured the highest judicial, legislative and executive powers for himself, but a very important and remarkable differences between his authority and the autocratic royal authorities of other countries was that materialism had no part to play here. The perusal of the whole document reveals that a confederation of the Muslims and non-Muslims was established for political reasons. The Jews were given internal

autonomy but no share in making and implementing the foreign policy of the Islamic state. They could not declare or wage war independently, nor could they join city-militia without the permission of the Prophet who was also their supreme court of appeal.

The Constitution asserts that "this is a writing of Mohammad, the Prophet, between the believers and Muslims of Quraysh and Yathrib and those who follow them and are thus attached to them and who wage holy war with them".<sup>21</sup> The people referred to in this document i.e. the Muhajirs (the migrants) and the Ansar (the helpers), were declared a united 'Ummah'<sup>22</sup> distinct from the rest of the mankind. It was a community of Allah in which the right to rule belonged to Allah and, in His name, to Muhammad, His Prophet. The Muslims were, as is evident from articles 1, 15 and 25, the only members of this 'Ummah'<sup>23</sup> for it was based on the bonds of Islam.

The concept of Ummah, used in the Constitution has been elaborated by the Western Scholars in such a way that confuses the spirit and dimension of Islam in general and of itself in particular. Orientalists, knowing the religious importance of the word, explained the term in a manner that created misunderstandings. Wellhausen, though agrees that 'the Ummah is not the name for the old Arab bond of relationship; it merely signifies 'community',<sup>24</sup> but he further declares/that the "Jews are



also included, though they have not so close a connection with the Ummah as the Muhajira and the Ansar, and have not exactly the same rights and obligations. The degree of communion is not precisely equal - there still persists an analogy with the old Arab distinction between natives and settlers".<sup>25</sup>

Dr. Watt accepts this theory of Ummah propounded by Wellhausen, with a slight difference<sup>26</sup> and ascertains a third basis for a community distinct from kinship and religion, namely territorial basis, which was not officially organized, says Watt, 'by the members of the Ummah'. He further discusses that, 'the basis could never have been purely territorial, of course, for nomadic confederates of the Ansar like Juhaynah and Muzainah were<sup>27</sup> presumably included.

The Ummah is basically a Quranic term and it occurs fifty one times in the Quran and its' plural 'umam' thirteen times; forty nine times in the Meccan and only fifteen times in the Medinan surahs.<sup>28</sup> " It is", as Watt suggests, "the community formed by those who accept the messenger and his message".<sup>29</sup> No one has a right to denounce such a man as non-believer or derive him out of the fold of Ummah, save when there is explicit proof of falsity or of renunciation of the belief.<sup>30</sup> In the same connotation the term 'Ummah' has been

used at least in 303 traditions of the Prophet.<sup>31</sup> The view that the non-Muslims, the Jews and the pagans of Medina were not excluded from the 'Ummah' is not only against the spirit of the document but quite contrary to the very concept of the Ummah based on religion. Article 1 of the constitution declares the immigrants and the Ansar Muslims alone as the 'Ummah Wahidah' (one community) distinct from the rest of the mankind. The same spirit is found in article 15 which declares "the believers are friends of one another to the exclusion of other people". Article 25 says that "the Jews of Banu Awf are another community alongwith the believers. To the jews their religion and to the Muslims their religion,<sup>32</sup> (This applies) to their mawāḍi and to themselves". These facts show that the Muslims alone were included in the Ummah. All the non-Muslims were given the status of zimmis (protected people), or that of halifs, though the idea is not given a theoretical expression, but it is implied in all the articles concerning their relationship with the Muslims and Islamic state.

Further more, the rights of the non-Muslims in the Islamic state of Madina, also go against the theory adopted by orient-  
talists. Logic calls for equal rights and privileges of all the members of the Ummah, but the Jews, as Wollhausen himself admits, "have not so close a connection with the rights and  
<sup>33</sup> obligations".

The theory, adopted by Watt and others, about the position of Prophet in the Islamic constitution is not correct. Orientalists, in general, try to minimize the authority and power of Muhammad in the first constitution. In their opinion Muhammad's position was not stronger than of a chief of the tribe in pre-Islamic period and he was "far from being chief of the Ummah or Islamic community"<sup>34</sup>. In fact the Prophet was in all the disputes, the only and the final judge (article, 23), no one, whether Muslims or non-Muslim, could go to war without his permission (article, 36). Further, article 42 made it clear that "whenever among the people of this document there occurs any incident or quarrel from which disaster is to be feared, it is to be referred to God and the Muhammad, the messenger of God". The supreme and unequivocal authority of the Prophet in all matter, civil, political and military, in addition to religious affairs, was 'thus fully established and accepted at a very early stage in the development of the Islamic State. There is no evidence on record which might show that his authority was shared or flouted or even questioned by any one living in the city - State of Madina. But there was a remarkable difference between this power and the autocratic royal authorities of other nations. The Prophet introduced moral elements in politics. He regarded God as the source of authority, and considered himself as His messenger

and agent. His commands and injunctions ordained for the people were equally applicable to his ownself. The Prophet (P.E.U.H.) heared many cases against himself.

Al-Baihaqi, Ibn Hibban, al-Tabarany and Abu Nuaim record: Once Zaid bin Sa'nah, a jew, came to the Prophet and claimed the immediate repayment of what the Prophet had borrowed from him, and used the strong words. Umar who was present, could not tolerate it. But on his interference the Prophet remarked: Umar, you would better have advised him to claim in a proper way, and advised me to repay in a proper way.<sup>35</sup>

In the closing days of his life the Prophet addressed a public gathering and said: 'Gentlemen'. You may have had claims against me. If I have whipped any body's back, let him retaliate on this my back. If I have condemned or censured any body's honour, so here is my honour to take revenge upon. If I have taken any body's property, here is my property; let him take it, and let him not fear higgling on my part, as it is not my habit. In fact, dearest to me is the one who takes him claim from me if he has a right thereto, or forgive me. Thus, I shall meet my Lord with clear conscience - A man rose and claimed that the Prophet had borrowed some money from him. This was at once paid to him.<sup>36</sup>

This has a reference by the Prophet of his own affairs to a third arbiter. However, the position of the Prophet was unique, and to Muslims he was utterly incapable of committing injustice even when he himself was a party to the case.

#### Political Aspects of the Prophet's Expeditions :

Muhammad (P.B.U.H.) after his arrival at Madina made a number of agreements with the Arab tribes living the neighbourhood of the Islamic state. For this purpose he sent several expeditions there. According to the sources, within six months of his arrival in the city, he sent an expedition to a neighbouring place, and thereafter, within eighteen months after the hijrah (migration) seven more expeditions were<sup>37</sup> despatched to different parts of the surrounding region. It is clear from various early accounts that the motive of these expeditions was not the ambushing of the Meccan caravans. These were simply reconnoitring parties sent to gather information and to expand the sphere of the Islamic state's influence in the neighbouring tribes of Madina. This is clear, from a number of pacts of friendship and treaties made with Banu Mudlij<sup>38</sup> Banu Zamurah, Gifar, Aslam, Muzaynah, Juhaynah and others.

The orientalist, due to their obsession with economic considerations which were conceivably thought to be implied in the accounts of the early writers too, explained these early

expeditions in such a way that created a lot of confusions. They interpreted the history in an economic background to prove the Islamic state as the invading agency to fulfil the immediate requirements of hungry Muslims. P.K. Hitti, discussing the problems of emigrants to Medina, writes: "For the newcomers the first two years were especially difficult. They had problems obtaining food and housing and adjusting to a new environment. The immediate solution lay in having each newly converted family extend full hospitality to an emigrant family. There by the proclaimed theory that the new religion was a fraternal order was put into practice. But the economic condition of Medina was getting progressively worse. New sources of revenue had to be discovered. Meccan caravans returning from Syria with cash and goods offered an easy 39 target as well as a chance to injure the life line of Mecca"

Grunebaum too accepts this economic theory and explains the early expeditions with an economic interpretation. Discussing the necessity of harmonious co-operation between Ansar and Muhajir he said, "This in its turn required the economic independence of the immigrants. In the circumstances Muhammad had no other choice but to ensure this independence by raids on Meccan caravans. This procedure in no way scandalized his contemporaries morally, while its aggressiveness appealed to them politically".<sup>40</sup>

According to Watt, the concept of jihad was merely a<sup>41</sup> development of the Arabian 'razzia'. Razia or raid was an important function of the pre-Islamic Arabs. It could be the Chief occupation of the leading men of the tribe. The aim was usually to drive off the camels of the hostile tribe. Normally there was no loss of life, since the usual strategy was to<sup>42</sup> descend on a small group of men with overwhelming force. To Watt, Muhammad can hardly have expected the emigrants to become peasants or to defend permanently on the hospitality of Ansar Muslims. Perhaps he envisaged raiding. Certainly the whole history of Muhammad's ten years at Madina came to be regarded<sup>43</sup> as a series of razzias or expeditions.

Moreover, some writers maintain that the expeditions were intended to provoke the Meccans. Consequently, they were<sup>44</sup> seriously perturbed at the threat of their trade, but this,<sup>45</sup> too, is not borne out by facts. The historians, arguing these speculations, have raised following points for consideration :-

(1) In the first place they maintain that the early expeditions were not directed against the Meccan caravans. These were undertaken simply to establish contacts with tribes living in the surrounding territory of Madina.

(2) The relative strength of both the parties also conforms the Islamic point. The Muslims could not risk a frontal attack on the Qurayshite caravans which had a force ten times larger.

(3) In these expeditions Prophet and his companions stayed for a fortnight in Waddan, for about a month in the Buwat and al-Ushayrah and so on. This long stay in these areas indirectly supports the Muslim point of view.

(4) The distance of various destination of early expeditions also supports the view. Barring the Safwan and the Nakhlah expeditions, the distance from Madina varies from 30 to 100 miles. Obviously all these places were not situated on the route between Mecca and Syria.

#### Muhammad and the Jews:

It is an oft-repeated charge of the Western writers against the holy Prophet that Muhammad, after his disappointment at his rejection by the Jews, persecuted them and decided their expulsion and extermination. The orientalist have taken the views that when Prophet of Islam left Mecca he looked forward to his acceptance by the Jews of Yathrib. On arrival he tried to win them over by adopting the fast of Ashura; by turning towards Jerusalem for prayers and by moulding Islam on



Judaism. To Gabrieli's, the Prophet at one time had considered  
<sup>47</sup> the Jews as 'converts of Islam'. He tried to mould Islam in  
 such a way as to satisfy the Jews giving an impression that  
<sup>48</sup> basically there is no difference between the two religions.  
 He was soon disappointed and decided not to cultivate them;  
 instead he crushed them.

The other question raised by Western scholars,<sup>is</sup> related  
 to Prophet's marriage with the Jewish women. In their opinion  
 the Prophet of Islam in order to take these girls into his  
 bed, killed their husbands. Rodinson writes that Muhammad took  
 a beautiful girl of seventeen named Safiya, "for himself after  
 killing her husband for concealing his goods. He persuaded  
 her to embrace Islam, and, being violently attracted to her,  
 took her into his bed that very night". And that he by doing  
 so, 'was violating his own previous commands, according to  
 which his supporters had to wait until the beginning of the  
 next menstrual cycle before having intercourse with their  
<sup>49</sup> captives".

Further more, they linked the Khayber battle with the  
 Muslim depriveness in Hdaybiah treaty and told that, 'it was  
 necessary to provide an outlet for the energies of Muslims  
<sup>50</sup> who had been deprived of their booty at Mudaybiah'. To Caetani,  
 the Muslim attack on Khayber was the political opportunism and

Muhammad adopting this strategy, desired to remove the feelings of deprivation from the hearts of the Muslims due to their return empty handed from Hudaibiah.<sup>51</sup>

As for as the first assumption is concerned, Muhammad, from the very beginning had a clear idea of the Jewish reaction to his religion. Two early Meccan surahs, the Bani Israel and Yunus reveal the same matter. The seventeenth chapter of the Quran, the Bani Israel has the following eight verses warning the Jews of their future :-

"And we gave (clear) warning to the Children of Israel in the Book, twice would they do mischief on the earth and be elated with Mighty arrogance.

When the first of the warnings came to pass, we sent against you Our servants given to terrible warfare: They entered the very inmost parts of your homes; and it was a warning (completely) fulfilled.

Then did we grant you the Return as against them: we gave you increase in resources and sons, and made you the more numerous in man-power.

If ye did well, ye did well for yourselves; if ye did evil (ye did it) against yourselves. So when the second of the warnings came to pass, (we permitted your enemies) to disfigure your faces and to enter your temple as

they had entered it before, and to visit with destruction all that fell into their power.

It may be that your Lord may (yet) show mercy in to you; but if ye revert (to your sins) we shall revert (to Our punishments): and we have made Hell-a prison for those who reject (all faith).

Verily this Quran doth guide to that which is most right (or stable) and giveth the glad tidings to the believers who work deeds of righteousness, that they shall have a magnificent reward.

And to those who believe not in the Hereafter, (it announceth) that we have prepared for them a penalty grievous (undead). The prayer that man should make for good, he maketh for evil. <sup>52</sup>for man is given to hasty (deads)".

These verses do not reveal that the Prophet was looking forward to be accepted by the Jews. Muhammad (PBUH) knew before his arrival in Madina that he would be rejected by the Jews and yet tried to maintain good relations with them.

Watt's assumption to mould Islam in such a way as to suit the, Judaism is (also) not correct also. Islam has been a different religion. Islam, infact, has completed the evolutionary process of Abrahimic religions and consequently, contains the best of what was found in all the revealed religions. Muahmmad (P.B.U.H.) never attempted to flatter the Jews by adopting their rules and customs. The only support the orient-  
talists can derive is from the Muslim institution of the fast of Ashura which the Jews observed. But Watt himself admits that perhaps some of the Medinian Muslims had already been in the  
53  
habit of observing it.

Further support to Islamic view is lent by the following tradition of the Prophet :

Anas said that among the Jews, when a woman menstruated they did not eat with her and they did not live with such in their houses, so the Prophet's companions questioned him and God revealed, 'And they ask you about menstruation ...". God's messenger then said, "Do every thing except sexual intercourse". The Jews heard of that and they said, "this man does not leave any thing we do without opposing it". Usayd b. Hudair and Abbad b. Bishr came and said, "Messenger of God, the Jews are saying such and such. Shall we not then live with them". The face of God's messenger underwent such a change that we thought that he was angry with them".  
54

In this tradition the remark of the two companions "shall we not live with them" is very significant, for it shows that the Quranic verse about menstruation and the Prophet's orders relating there to, came long before the so-called break with the Jews, when the Muslims desired to cultivate friendly relations with them.

Besides, before the Prophet entered Madina proper, he adopted Friday, instead of Sabt, Jewish weekly service, as the day of weekly congregation. If he had tried to mould Islam on Jewish religion, he should have adopted the Jewish Sabt for the same.

Rodinson's opinion about Prophet's marriage with Safiyah the daughter of Jewish leader Hay bin Akhtaḥb, is also wrong. History tells that Kanana b. Rabi the "would be" husband of Safiyah, was one of the Jewish leaders. He had killed a Muslim Mahmood b. Mustama throwing a big stone of him from the height of Naim fort. Kananah was killed in due compensation. Safiyah was married to him but till then marriage was not consummated. He for the purpose to promote friendly relations with the Jews took Safiyah in marriage and thus sealed his alliance with the most important Jewish power in the Hijaz.

In fact, the pattern of the Prophet's marriages as it unfolds itself is clearly social and political. His marriages as Rodinson himself admits, "were not simply love matches; they were political alliances".<sup>55</sup> A defeated adversary was almost always won by this gesture. Umm-i-Salamah was a close relative of the leading man of the Makhzum clan, Juwairiyah was the daughter of the tribe of al-Mustaliq who were defeated by the Muslims. All the Prophet's marriages, Watt observes, "can be seen to have a tendency to promote friendly relations in the political sphere".<sup>56</sup>

As for as the expulsion and extermination of the Jews by the Prophet is concerned, there remains hardly any truth. According to Syed Barakat Ahmad, Banu Qaynuqa were not restituted from Madina's citizenship. Their market remained in their possession. Only their arms were confiscated<sup>57</sup> and this punishment was due to their treachery and active participation in the activities against Islam and the holy Prophet. Their poets were busy in employing the total communication media of the time against the Prophet. "These journalists of the time"<sup>58</sup> were accusing the Muslims of Madina of dishonouring themselves by submitting to an 'outsider'. Abu 'Afk, 'Asma b. Marwan and Ka'b al Ashraf were singing erotic prologues to the Prophet's wives and were composing insulting verses about the Muslim women.<sup>59</sup>

While this campaign of vulgarity and abuse was continued, a Jew from the B. Qaynuqa', Shams bin Qays ordered a Jewish youth to recite some poems composed on the occasion of the battle of Bu'ath in a mixed gathering of Muslims composed of the Aws and Khazraj till they got so worked up that the tribes challenged each other and came into the battlefield. Soon-  
 60  
 after the Prophet was informed and he hurried to the spot and stopped the quarrel.

After the battle of Badr, an Ansari woman was immodestly exposed by the Jewish goldsmith in the market of Banu Qaynuqa'. She cried loudly and one of the Muslims leapt upon the goldsmith and killed him. The fellow-Jews of the goldsmith attacked and killed the Muslim. The Muslims were enraged and hostile feeling sprang up between the two communities. The Prophet warned the Jews. In reply, the Jews declared war against Muslims. Consequently, there was no choice but to accept the  
 61  
 challenge.

While Banu Nadir and other Jewish tribes did not help the Banu Qaynuqa', they were not inactive against the holy Prophet. Ka'b bin Ashraf lamented the loss of the Quraysh at Badr and set out for Mecca to arouse the Meccans to avenge  
 62  
 the defeat at Badr. After the battle of Uhud, the Jews

63

conspired to kill the Prophet of Islam. The Prophet had been informed of their contacts with the Quraysh of Mecca even before the battle of Uhud. According to some sources, "Jews sent secretly missions to the Quraysh when they encamped at Uhud in order to fight the Prophet. The Jews incited the Quraysh to fight and showed them the weak spots." On earlier occasion, approximately three months after the battle of Badr, Sallam bin Mishkam, the Chief of the Bani al Nadir had secretly entertained Abu Sufyan two hundred Meccan riders with food and drink and supplied him secret informations about the Muslims. Referring to the conspiracy hatched by Bani Nadir, Rodinson remarks, "it was not altogether unlikely assumption and one which, given a minimum of political intuition, any one less intelligent than the Prophet might have suspected". Under these conditions Muslims needed peace at home and Prophet approached the Banu Qurayzah and Banu Nadir but the latter rejected the request. When the Muslims sat down around their fort till they surrendered, the same story of Banu Qamuqa' was repeated. They were deported but allowed to take what they could carry on their camels, except for their weapons.

Banu Qurayza repeated the same treachery. They had joined the battle of Ahzab which was a major siege in which Quraysh and Ghatfan along with the Banu Qurayza had invested



Madina. When Abu Sufyan being unable to endure the severe winter and wind withdrew, Ghatfan too followed him and Banu Qurayza being remained aloof shut themselves into their fort. However, when they were defeated; their men were killed and the whole property was divided among the Muslims<sup>65</sup> and the women and children were taken as captives.

The Jews of Madina, as we have seen, have received in full measure what they so richly deserved. None else but they were themselves responsible in view of their open treachery. However, it can not be denied that the orientalist successfully introduced the politics of the Prophet in the west. Their works on Prophet's life and achievements are suffered in Muslim's writings too. Watt's 'Muhammad at Mecca'. 'Muhammad at Madina' and 'Muhammad'. The 'Prophet and Statesman' are considered a precious academic work on the subject. Like wise Levy's 'The Social Structure of Islam' is a good deal of Islamic social system. The Western writers employed modern research methodology in their works which have been widely recognized. Apart from their mental reservations and preconceived prejudices, they studied, edited and published the valuable books on the holy Prophet and this has raised status of orientalism to the level of a universally recognized academic discipline.

Footnotes and References

1. Gibb, H.A.R., Studies on the Civilization of Islam, ed.: Shaw and W.R. Polk, London Routledge Kegan Paul Ltd. 1962, pp. 5-6.
2. Ibid.
3. Gibb, H.A.R., Muhammedanism, fifth edition, Oxford University Press, New York, 1962, pp. 30-31.
4. Ibid., p. 29.
5. Reyazul Hasan, Prince Leone Caetani - A Great Italian Orientalist, Hamdard Islamicus, Vol. V no. 1 Spring 1982, pp. 63-64.
6. Faruqi, Ziaul Hasan, Sir Hamilton Alexander Roskeen Gibb, (1895-1971), Islam and the Modern Age Vol. 15 No. 2 May 1984, pp. 93-94.
7. Engels, in his important work, "Anti-Duehring" says, the fundamental idea is that the work of production in material life determines the general character of the social, political and spiritual processes of life. It is not the consciousness of men that determines their existence, but, on the contrary their social resistance determines their consciousness... The final causes of all social changes and political revolutions are to be sought not in men's brains, not in men's better insight into eternal truth and justice, but in changes

in the modes of production and exchange. They are to be sought not in the philosophy but in the economics of each particular epoch. (Oscar Taszi in Encyclopaedia of Social Sciences, New York 1927 Vol. 14, p. 199). Here is phraseology is so similar that one can not fail to see the influence of Marxism on Orientalists. They explain the expansion of Islam and conquests of the Prophet (P.B.U.H.) on the economic bases of Arabia without taking any care with the religious and missionary aspects of Islam.

8. Siddiqui, M.Y.M., Organization of Government Under the Prophet. Idarah-i-Adabiyat, Delhi 1987, Preface p. XIII.
9. Watt, W.M., Islamic Political Thought, Edinburg University Press, 1980, Introduction, p. ix.

Dr. Watt in this book tries sincerely to show the roots or genesis of the political conceptions operating in the Muslim world today. In this region, according to him, it is particularly necessary to look at the past, since for Muslims as for Irishmen history is still alive. (Ibid).

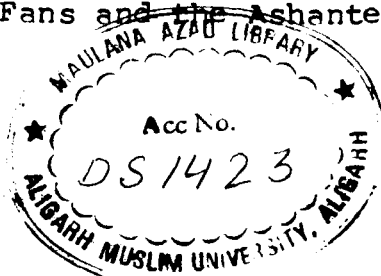
10. Suel Lord, The New World, Watts and Co. London, 1947, p. 11.
11. The Quran 2: 208.

12. Bosworth Smith replies to this charge in the following words: "But had he died thus (i.e. before he migrated), his name would never have been known beyond the neighbourhood of Mecca. His small band of followers would have melted away like the other thousand sects that Arabia has produced, leaving not a trace behind them, and Islam itself might have seen strangled in its cradle.

"And what would this have meant for the Eastern world and something too of the world which is not Eastern.

"The practices that Muhammad forbade and not forbade only but abolished, human sacrifices, and the murder of female infants, and blood feuds and unlimited polygamy and wanton cruelty to slaves, and drunkenness and gambling would have gone on unchecked in Arabia and the adjoining countries.

The Mongols, the Tartars and the Turks would have devastated as they did devastate the fairest regions of the earth without gaining that which, 'in some degree softened their national character, and alone prevented their conquests from being an unmitigated evil. In Northern and Central Africa there would have been, not the semi-civilization of the Moors or of the Mandingoes but the brutal barbarism of the Fans and the Ashantees. The dark



ages of Europe would have been doubly, nay trebly dark for the Arabs who alone by their arts and sciences, by their agriculture, their philosophy and their virtue, shone out amidst the universal gloom of ignorance and crime, who gave to Spain and to Europe an Averroes and an Avicenna, the Al-Hambra and the al-Kazar, would have been wandering over their native deserts. As to religion, a Christianity which, in the East, had long become corrupt and would have sunk in the condition in which it is in Abyssinia today. Over a seventh part of the earth's surface, the star-worshippers might have been worshipping stars and the Fetish-Worshipper Fetishes to this very day. The answer, therefore, to the question whether it would have been well for the Prophet and well for the world, if he had died by the sword of the Kuraish before a wider field with its greater dangers and temptations, opened before him, is not a simple one. (Muhammad and Muhammadanism, Lahore, 1972, pp. 87-88).

13. Al-Khatib al-Umri, Mishkat al-Masabih, eng. trans. by Dr. Robson Vol. 1, Lahore p. 242.
14. Ibid., p.250.
15. Ibid., p. 255.
16. Ibid., vol. 111, p. 887.

17. Ibid., vol, 111, p. 890.
18. Ibid., p. 890.
19. Ibid., vol. IV, p. 1310.
20. Hamidullah Muhammad, The First Written Constitution of the World, Habib & Co. Hyderabad, 1983, p. 5.
21. Ibn Ishaq, Seerat Rasulullah Eng. tr. A Guillaume, Oxford University Press, London, 1955, p. 231 Cf. Watt, Muhammad at Medina, Oxford University Press, London 1956, p. 221.
22. Cf. Watt, Muhammad at Medina, p. 221, and f.n.2, where he says that 'the literal translation of the last phrase is "from the people" which might refer to the Jews; but this is unlikely' The Phrase draws a line of demarcation between the Muslims and the non-Muslims.
23. Wellhausen, J., The Arab Kingdom and its Fall, translated by Margaret Graham Weir, Khayats Beirut, 1963, p. 11.
24. Ibid., p. 11.
25. Ibid., p. 12.
26. He argues that 'the Ummah is thus the complex community at Madina to which Muhammad believed himself to be sent. The later article which affirms that certain Jews are an Ummah along with the believers, though it could conceivably mean that they constituted a community parallel to that of the believers, presumably means that they are included in the one Ummah'. (Muhammad at Medina op.cit. p. 241).

27. Ibid., pp. 241-242.
28. Abd-al-Baqi, Fuad, Al-Mujam al-Mufahras li Alfaz al-Quran al-Karim, Cairo 1945, p. 80.
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30. Maududi, Abul Ata, Islamic Way of Life, Damascus, 1970, p. 11.
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32. See for detail, Hamidullah, Muhammad: The First written constitution of the world op. cit.
33. Wellhausen, op.cit., p. 12.
34. Watt, Islamic Political Thought: The Basic Concepts, op. cit., pp. 20-21.
35. Shibli, Seeratun Nabi, vol. 11 2nd edition, Darul Musannifin Azamgarh, pp. 355-356.
36. Ibn al-Athir, Kamil vol. 11 p. 241 quoted from Hamidullah, Muslim conduct of State, Lahore, Mohd Ashraf and Sons, p. 125.
37. Waqidi, Kitab al-Maghazi, ed. Marsden Jones, London, 1966, p. 2.
38. Cf. Hamidullah, Majmu at al - Wasaiq al-Siyasiyah li al-Ahd al Nabvi Wa al-Khilafat al-Rashidah, Cairo 1941, pp. 151-171.
39. Hilli, P.K., Islam - A Way of Life, Oxford University Press, London, 1970, p. 15. See also by the same author, History of the Arabs, London, 1958, pp. 116-117.

40. Grunebaum, G.E. Von, Classical Islam - A History(600-1258) english trans. Katherine Watson, London, George Allen and Unwin Ltd. 1979, p. 35.
41. Watt, Islamic Political Thought, op.cit. p. 18.
42. Ibid., p. 15.
43. Ibid.
44. Watt, Muhammad at Medina, op.cit., p. 4.
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46. Ibid., pp. 21-22. The author has presented the following table in order to give a better illustration :

<u>Name of the Expeditions</u>	<u>Destination</u>	<u>Distance from Madina</u>
Sarayah of Hamzah	al-IS	about 30 miles
Sarayah of Ubaidah	Rabigh	about 60 miles
Ghazwah of sad	al Kharrar	about 100 miles
Ghazwah of Waddan	Waddan	about 80 miles
Ghazwah of Buwat	Buwat	about 40 miles
Ghazwah of al-Ushayrah	al-Ushayrah	about 90 miles

This view is well elaborated in Dr. Yasin Mazhar Siddiqi's excellent Urdu work Ahdi Nabvi ki Ibtidayi Muhimmen - Muharrikat, Masail aur Maqasid (The Early Expeditions of Prophet, Motives, Objectives and Problems). Monthly Burhan (Urdu), vol. 89 No. 6 pp. 34-44, vol. 90, No. 1 Jan. 1983, pp. 23-36, vol. 90 No. 2, pp. 30-40, No.3 pp. 14-34, No. 4 pp. 5-16, No. 5 pp. 5-21, No. 6 pp. 5-20, Vol. 91, No. 1, pp. 5-20, No. 2, pp. 8-19, No. 3, pp.7-20.



47. Gabrieli, Francesco, Muhammad and the Conquests of Islam,  
tr. Virginia Luling and Rosamund Linell, London, 1968,  
p. 67.
48. Watt, Montgomery, Muhammad at Medina, op.cit., p. 198.
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50. Ibid., pp. 252-253.
51. Caetani, Annali dell' Islam quoted from Sayed Barakat  
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52. The Quran, Bani Israel, 4-11.
53. Watt, Muhammad at Medina, op.cit., p. 199.
54. Mishkat al-Masabih, op.cit, vol. 1 p. 110.
55. Rodinson, op.cit., pp. 280-281.
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62. Ibn Hisham, p. 459. Barakat (op.cit. p. 62) has quoted his  
two poems in which he sang of the nobility of those who  
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63. Al-Bukhari, Sahih, Vol. v p. 112 (9 volumes Cairo, al-Shab)
64. M.J. Kister, "Notes on the Papyrus Text about Muhammad's campaign against the B. al-Nadir" Archiv Orientalni, 32, 1964, p. 234 quoted from Barakat, op.cit., p. 63.
65. Ibn Hisham, op.cit., p. 543.
66. Rodinson, Muhammad, op.cit., pp. 191-192.
67. Barakat Ahmad had the opinion that those who had not taken a leading part were taken prisoners and only sixteen or seventeen leaders were killed (op.cit. pp. 90-91).

CHAPTER THIRD

CONCEPTUAL DISCOURSES ON ISLAMIC

STATE AND GOVERNMENT

## Islamic State: Objectives and Functions

A number of Muslim countries after a century of struggles, hopes, errors and disappointments, have won the full independence from the colonial rule. This independence has brought to the foreground the question of not merely administrative efficiency but also of ideology. It is for the Muslims to decide whether their states shall be subordinated to modern western concepts or to Islamic politics in the true sense of the word. The state can become Islamic only by virtue of conscious application of the socio-political tenets of Islam to the life of the nation and by an incorporation of those tenets in the basic constitution of the country.

Needless to say, Islam is much more than a programme of political action. It is a system of beliefs and morals, a social doctrine, and a call to righteousness in all individual and collective concerns. It is a complete, self-contained ideology which regards all aspects of our existence. But the Islamic teachings must coordinate their outward social behaviour with the beliefs. Such coordination of attitude and endeavour is impossible unless the whole community is subject to the socio-economic laws of Islam; and so it is only within the framework of an independent ideological state built on the principles of Islam and endowed with all

the machinery of government, legislation and law-enforcement that the ideals of Islam can be brought to practical fruition.

The Islamic state is not a goal or an end in itself but only a means; the goal being the growth of a community of people who stand up for equity and justice, for right and against wrong. The prevention of injustice and the establishment of justice on earth are the ultimate objectives of the social image of Islam. The Quran says:

"You are the best Community that has been sent forth to mankind (in that) you enjoin right and forbid<sup>1</sup> wrong and have faith in God".

To make the law of Islam the law of the land in order that equity may prevail; to arrange social and economic relations in such a way that every individual shall live in freedom and dignity, and shall find as few obstacles as possible and as much encouragement as possible in the development of his personality; to enable Muslim men and women to realize the ethical goals of Islam not only in their beliefs but also in practical sphere of their lives; to defend the country against attack from without and disruption from within; to propagate the teachings of Islam to the world at large; and to ensure to all non-Muslim citizens complete physical security as well as complete freedom of religion, of culture and

and of social development. Implementation and realization of these principles provides the justification of an Islamic state.

Muslim jurists, in describing the Islamic system of government, hold the view that it is "the vice-gerency of the bearer of the Shariah' for guarding the religion and the policy concerning wordly matters".<sup>2</sup> The jurists mention ten conditions which a government should adhere to. These are as follows:-

- (a) Preservation of faith in the established principles and in the form in which the predecessors of the Ummah had unanimously agreed.
- (b) Enforcement of judgements among contenders and resolving cases among disputants.
- (c) Security of territory so that people may live in their homes safely and travel in security.
- (d) Enforcement of punishments prescribed by the Shariah to safeguard the limits set by Allah and preserve the rights of His people.
- (e) Fortification of borders with preventive equipment and repelling aggression.
- (f) Jihad against those who oppose Islam after calling upon them to embrace it, or to accept protection as non-Muslims, so that the right of Allah is upheld in proclamation of the religion in its entirety.

- (g) Levying of taxes and collection of Zakat and charity according to the provisions of the Shariah.
- (h) Budgeting salaries and other necessary expenditures from the treasury without being extravagant or stingy.
- (i) Appointing the honest and competent to positions of trust in order to preserve (state) wealth and to administer (governmental) affairs.
- (j) Personal supervision and examination of public affairs to be able to lead the nation and protect the religion.<sup>3</sup>

However, the basic objective of the Islamic state is the establishment of the faith and realization of the interests of the people. If the government violates this objective, the people will no longer be legally obligated to be obedient and helpful or to proffer advice to it.<sup>4</sup> The undertaking to realize this objective of the existence of the government in the Islamic state is the minimum requirement for the obligation to obey it. This undertaking by the government is in itself a sufficient to obligate the people to obey the government, whether eventually it is able to accomplish its objective, or is hindered in it by factors beyond its control or compelled by constraints against it.<sup>5</sup>

The objectives of an Islamic state are clearly defined in the Quran, Sunnah and Muslim literature. But the modern

orientalists, to serve their interests, study Islamic state with a pre-supposition that it is opposed to Westernism and is anti-modernism and aimless revolution.<sup>6</sup>

#### The Principle of Consultation :

Al-Shura (mutual consultation) is considered to be one of the most important Islamic constitutional principles. Muslim scholars, on the questions related to the governmental system in the Islamic state, are fully agreed with the importance of Shura and its precedence in matters of Islamic political principles.

The Holy Quran addressed the Prophet and informed him: "It is by the mercy of Allah that you are lenient with them, for if you had been rough and hard-hearted they would have dispersed from around you. So pardon them and ask forgiveness for them and consult with them on the matter".<sup>7</sup>

This verse was revealed when the Prophet was engaged in the Battle of Uhud outside of Madinah upon the advice of his Companions though he was of the opinion to stay in the city and defend it from inside. The events during this battle showed that the Prophet's view was correct and sound. Despite this, after these events, Allah ordered the Prophet to ask forgiveness for his companions and to consult with them on every matter in which consultation was needed.



In a second verse, the Quran says, "And those who answer the call of their Lord and establish prayer and who conduct their affairs by counsel, and who spend of what we have bestowed upon them".<sup>8</sup>

This is a Makkan verse. Thus, the description of the believers as those "who conduct their affairs by counsel" denotes that Shura is one of the traits of Islam which should adorn Muslims whether they are only a group without an established state (which was the situation of the Muslims in Makkah), or form a fully established state as was the case of the Muslims in Madinah.<sup>9</sup>

In the Sunnah, on the other hand, there are many practical examples of the Prophet's consultation with his companions. The consultation was so frequent that Abu Hurairah has said: "I have never seen anyone else who seeks consultation of his companions more than the Prophet".<sup>10</sup> The Prophet, for example, consulted with his companions with regard to the place where to set up the camp in the Battle of Badr. He consulted with them, on the question of concluding peace with some of the Ahzab (parties) on the day of al-Khandaq (the Battle of the Trench) and on many other occasions.<sup>11</sup>

From the above facts, a general rule is derived that the ruler shall consult the Ummah or those who have a say among its members on all matters requiring exchange of views in making a decision. For the Prophet, this was limited to matters in respect to which there was no Revelation to act upon, positively or negatively. Every matter which was the subject of Revelation was precluded from the requirement of consultation. However, after the Prophetic period, Shura was extended even to interpretation of the Divine commands so that through consultative decision a consensus on adequate understanding of the circumstances, time or place for the application of 'the texts' might be arrived at. In addition Shura naturally covered those matters on which there were no specific texts, that is, matters left to Ijtihad<sup>12</sup> (assiduity).

Of course, the Shariah refrains deliberately from providing detailed regulations for all the manifold, changing requirements of our social existence. And it also goes without saying that in matters affecting the social side of our life, no legislative ijtihadi decisions can possibly be left to the discretion of individuals. All such decisions must be based on a definite consensus (ijma') of the whole community( which, of course, does not preclude the community's

agreement, in any matter under consideration, on an ijtihadi finding arrived at previously by an individual scholar or a group of scholars).<sup>13</sup>

It is also clear that if all the communal affairs are to be transacted on the basis of popular consultation, we can not escape the conclusion that the process of constituting Shura must be, in itself an outcome of consultation in the widest and most direct sense of the word.<sup>14</sup> It is for the community to decide whether shura will be elected or nominated. If it is to be elected, then which procedure - direct or indirect, transferable or non-transferable, regional or proportional representation - will be adopted. It is not laid down in the Shariah and therefore it is not correct to say that "the Quran did not solve the constitutional problem of succession to leadership",<sup>15</sup> and that "no clear precedent for the method of consultation emerged in the early choices of caliphs and the Islamic world was soon plunged in to a civil war",<sup>16</sup> as some western scholars try to give the impression.

### Religion and Politics in Islam :

The fact that religion and politics are inseparable in Islam is unacceptable to western thinkers. They, for reasons of their own, have become disappointed with religion

and this disappointment is reflected in the ethical, social and political chaos now pervading a large part of the world. They have grown accustomed to considering questions of belief and of practical life as belonging to entirely separate realms. Consequently, they are not ready to accept the mixing of religion and politics in Islam too. Piscatori has the opinion that "the usual starting point of discussion is the unique insaparability of sacred and secular, of religion and politics. The reality is some what different. Throughout Islamic history temporal authorities have wielded a weight er sword then that of the spiritual authorities".<sup>17</sup> Moreover, he, discussing the Muslim view of liberating the human being from tyranny and attribution of all authority to God, entitles it 'conservating approach'<sup>18</sup> and tries to minimise its Isalmic relevance.

Anyone acquainted with the teachings of Islam knows that Islam calls for the unity of religion and politics. Islam, not only educated man's relations to God dent also laid down a definite scheme of social behaviour as guiding principles.

Starting from the fundamental assumption that all aspects of natural life have been God-willed and possess, therefore, a positive value of their own, the Quran makes it abundantly clear that the ultimate purpose of all creation

is the compliance by the created with the will of the Creator. Then, compliance, in Islam, is postulated as a conscious, active co-ordination of man's desires and behaviour with the rules of life decreed by the creator.<sup>19</sup>

This demand, at least with reference to human life and the concepts of right and wrong, retains its validity at all times and under all circumstances.

No valid definition for right or wrong can be arrived at which has eternal validity. This difficulty can be attributed to the fact that all human thoughts are basically subjective and depend on circumstances of the speculator as well as on his environment. It is the duty of religion to guide man towards a co-ordination of desires and behaviour with the will of God; to help him to differentiate between good and evil, between what to do and what not to do. But theoretical and more ethical teaching is not enough to guide individuals, due to the different interpretations that may lead human beings astray. In addition, the Islamic state, according to the teachings of the Quran and Prophetic traditions, contains a precise body of law called the Shariah which encompasses all spheres of human life: spiritual, physical, individual, social, economic and political. The Muslims believe that

Islam fulfils these needs by the Divine Law- contained in the ordinances of the Quran and detailed and exemplified by the Prophet Mohammad<sup>in</sup> body of teachings that is described<sup>20</sup> in his Sunnah or "way of life". Throughout the history covering the period of the Prophet Muhammad and the four-guided caliphs the sovereign of the state was the supreme head of the state as well as of the church. Muhammad (P.B.U.H) was alike the prophet of God and the temporal ruler of the Arabs. He thus united in himself the two functions of King and the spiritual chief. He was so to speak , caesar and Pope in one; and this feature of the Islamic sovereignty has continued to the latest time, though indeed with important changes and modifications. The Khilafat was in the words<sup>21</sup> of a Muslim scholar, a temporal leadership based on religion.

The pious Caliphs, the immediate temporal successors of the great Prophet and as the leaders of the pilgrimage and the prayer (Imam-al-Haj wa al-Salat) had a good deal at the religious elements attached to their person and to their office. They appointed Amirs (Governors) for the various provinces of the empire. These Amirs were responsible to the Prophet and his Khalifahs alone and became the real rulers of the provinces. They enforced the sovereign's will in the

regions assigned to them, maintained law and order, collected taxes, met all the provincial expenses and sent the balance to the central treasury. The entire system of the judicial department was in the hands of the sovereign. Qadhis (judges) were appointed to administer impartial justice to the people. The Prophet and, after him, his successors were not only the chief appointing authority but also constituted the supreme court of the Muslim empire. They were also the supreme commanders of the Faithful by which appellation the Caliphs since the days of Umar I, were addressed. Thus in the hands of the Prophet and, after him, in those of the successors was concentrated the entire power; political, religious, military and judicial. But much religious halo attached to the person of the Caliphs and the sanctity attached to his office was destroyed under the later, some of whom were indifferent to religion.

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However, it should be made clear that there had never existed a truly Islamic state after the time of the Prophet and of the caliphate headed by four-guided caliphs. This caliphate was truly Islamic in the sense that it fully reflected the pristine teachings of both the Quran and the Prophet's Sunnah, and was yet unburdened by later day theological accretions and speculations. Whatever forms of

state and government came into being in Muslim countries after the first earliest period, were vitiated, in a lesser or higher degree, by ideological deviations from the erst-while simplicity and clarity of Islamic law, or even by outright, deliberate attempts on the part of the rulers concerned to deform and obscure that law in their own interests.

Hence, the past thousand years or so of Muslim history can offer us no guidance in our desire to achieve a polity which would really be the epitome<sup>23</sup> of 'Islamic'. Instead, we should receive guidance - and must receive - only from the life of the Prophet and the period of his immediate successors the four Guided - Caliphs, Abu Bakr, Umar, Uthman and Ali. This is the true way by which we can reach to the real path of Islamic state.

#### Arbitrary or Limited Power of the Amir :

In spite of the fact that Muhammad (P.B.U.H) and, after him, his successors were the supreme political and military chief of the whole Arab continent of Arabia, used no arbitrary power. They, just as every other Muslim, were obliged to submit to the ordinances of Shariah. This limitation arose from the peculiar character of the Islamic law as being primarily derived from the inspired word of God, and as laying



down regulations for the conduct of every department of human life, and thus leaving no room for the distinction that arose in Christendom between cannon law and the law of the state. The law being thus of divine origin demanded the obedience even of the Caliph himself and the administration of the state was supposed to be brought into harmony with the dictates of the sacred law.<sup>24</sup>

Orientalists, on this point too, tried to confuse the readers. Sir Thomas W. Arnold, for example, though accepts the limitations of Caliph and his submission, compulsorily,<sup>25</sup> to the ordinance of Shariah, but he tried his best to prove that Islam introduced an "arbitrary, autocratic system" of government. He claims that Muslim theologians and jurists sought for some support of the political theory of the Caliphate in the revealed word of God, just as the theologians and statesmen of medieval Europe appealed to the Bible in support of both Papal and Imperial claims.<sup>26</sup> Then, he presented many verses of the Quran in his support. He, to prove his views, cited many prophetic traditions, which, in his opinion, "were put forward in justification of the political institution that had gained acceptance with the main body of the faithful".<sup>27</sup> These traditions, to him, clearly state that the Caliph or any lawfully constituted authority was

to receive the obedience of the subject, whether he is just or unjust, for responsibility rests with God and the only satisfaction that the subjects can feel is that God will punish the unjust ruler for his wicked deeds, and will reward the righteous monarch.<sup>28</sup> Thus, Arnold, has concluded two points :

(i) The Caliphate recognized was a despotism which placed unrestricted power in the hands of the ruler and demanded<sup>29</sup> unhesitating obedience from the subjects.

(ii) The political theory thus enunciated, appears to imply that all earthly authority is by divine appointment and the duty of the subject is to obey. This autocratic hieratic character assigned to caliph was further emphasized by<sup>30</sup> another designation viz. Shadow of God upon earth.

But the persons who have carefully studied the teachings of Islam and the history of Four-Guided Caliphs, know that there is no place for arbitrary system in Islamic politics. The Prophet and his caliphs avoided always doing anything arbitrarily. Then always consulted their chief companions and took no serious step without their counsel. Those who have the opinion that Shura (mutual consultation) is not binding and is merely advisory, usually quote the peace-treaty

of Hudaibiyah concluded by Muhammad (P.B.U.H) himself; Abu Bakr's stand concerning the despatch of Usamah's army and his stand to fight against those who, after the death of the Prophet, had declined to pay Zakat, and the stand taken by Umar al-Farooq regarding the distribution of the lands in Iraq after its conquest.<sup>31</sup> But they forget that the subject of the peace treaty of Hudaibiyah was never, at any stage, subject to Shura. From the beginning to the end, the actions of the Prophet were inspired by Wahy (revelation). On enquiry by Umar as to why the Muslims should accept the peace, the Prophet replied, "I am Allah's slave and His Rasul. I will not oppose His order, and He will not abandon us".<sup>32</sup> Even before this discussion with 'Umar, the Prophet had stated that the matter was subject to revelation. For when the she-camel of the Prophet had stopped, he said to his companions: 'The One who restrained the elephants from Makkah is keeping her back. Today I shall agree to any condition the Quraysh may make in which they ask me to show kindness to kindred'.<sup>33</sup> Hence, there is no relations whatever between the events leading to the peace of al-Hudaibiyah and the subject of Shura.

As for Abu Bakr's stand concerning the despatch of Usamah's army, it should be pointed out that Abu Bakr was carrying out the decision of the Prophet who organized

Usamah's army and supervised it himself. The dispatch was delayed because of the illness of the Prophet. Thus, Abu Bakr's action in this matter was to carry out the Prophet's command before his death, but when its' commander (Usamah) saw the Prophet's illness worsening, he decided to encamp nearby to wait the outcome of this illness.

34

It is well known that Abu Bakr, among the companions of the Prophet, was the first to hold the opinion that it was necessary to fight the Arabs, who, after the death of the Prophet, had apostatized, and declined to pay Zakat. Soon, however, this view was no longer Abu Bakr's alone. Headed by 'Umar b. al-Khattab, several companions who had at first opposed him came round to his views. Both Bukhari and Muslim have related that 'Umar b. al-Khattab said: "By Allah, as soon as I saw that Allah the Almighty had opened the heart of Abu Bakr to fight, I knew it was the right thing". There is no doubt that the Imam or the ruler has the right to express his view on a matter which is subject to Shura and to present supporting evidence to convince the people of its rightness. This is exactly what Abu Bakr did, citing the hadith the Prophet had said, "I have been ordered to fight people untill they say, there is no deity except Allah. Therefore, he who says 'La Ilaha illa Allah' (There is no

deity except Allah) shall render himself and his property safe from me, except for what is due from him, and his accounting will be with Allah". Then Abu Bakr argued further, pointing out that "al-Zakat is a due on property". Thereupon those who had opposed him in the beginning, led by 'Umar b. al-Khattab, agreed with his convincing arguments and reasoning.<sup>35</sup>

If this is true, and no doubt it is, then it is not that Abu Bakr disagreed with the conclusions of the members of Shura but rather the Shura agreed to what he had initiated and desired to be done. Thus Abu Bakr was in fact carrying out the decisions of Shura 'not contradicting the almost unanimous view advocated by the Muslims',<sup>36</sup> as some researchers put it.

The position of 'Umar b. al-Khattab with respect to the distribution of the lands in Iraq after its conquest is also a proof that he was acting on the conclusions reached by Shura, and not a proof of disregard thereof. It is reported on the basis of reliable authorities that 'Umar had consulted the Prophet's companions on the matter and the majority of them advised him to distribute it in the same manner in which Khaybar, when conquered by the Prophet, was distributed. But Ali b. Abi Talib and Mu'adh b. Jabal advised 'Umar against

this course and to keep it as a source of income for succeeding generations of Muslims. Umar himself concurred with the opinion expressed by Ali and Muadh. However, further discussion led to the decision in favour of non-distribution and to be preserved for future generations of the Muslims. Umar's stand in this case is similar to that of Abu Bakr's in the case of war against the apostates. Each had a view with which the majority of the companions disagreed initially, but each persuaded them with arguments, convincing them of the soundness of their views. Thus both acted after a final decision was arrived at by mutual consultation and did not act on  
 37  
 their own view.

It is clear now that Shura is mandatory upon the ruler, and ~~there~~ remains no place for any despotism or autocratic and arbitrary rule in Islamic political system. The mutual consultation is a basic Quranic principle and was strictly followed by the Prophet and his Four Guided Caliphs.

Footnotes and references

1. The Quran 3: 110
2. al-Mawardi, al-Ahkam al-Sultaniyah, Cairo edition, 1960, p. 5, Ibn Khaldun, Al-Muqaddimah, Beirut edition n.d. pp. 190-191.
3. al-Mawardi, op.cit., pp. 15-16; Abu Ya'la al-Farra al-Hanbali, Al-Ahkam al-Sultaniyah, Cairo, 1938, pp. 11-12.
4. Qabbus, Salah al-Din, al-Khalifah Tawliyatuhu wa Azluhu, Alexandria, 1972, p. 76.
5. We may cite, as an example of such constraint, the involvement of the state in external wars or internal uprising which, if checked, might cause damage to structure of the state itself or to the vital interests of its people.
6. Piscatori, James, P/ Islam in the Political Process, Cambridge University Press, 1983, p. 1.
7. The Quran, 3: 159.
8. The Quran, 43: 38.
9. Regarding this concept and the circumstances in which these verses were revealed, see Sayed Qutb, Fi Zilal al-Quran, Dar al-Ma'rifa, Beirut, 1971, vol. IV, pp. 118-120, vol. V, p. 299.

10. Tirmidhi, al-Sahih, section on Shura, Cairo Edition, vol. V, p. 375.
11. Regarding the said events see Sirat Ibn Hisham with the commentary of al-Suhayli Al-Rawd al-Unuf, vol. II, pp. 16, 127 and 191.
12. See for detail: El-Awa, Mohammad S., On the Political System of the Islamic State, American Trust Publications, Indiana, 1978, pp. 86-97, Asad, Muhammad, The Principles of State and Government in Islam. The Near Eastern Centre, University of California, 1961, pp. 30-50.
13. Asad, Muhammad, The Principles of State and Government in Islam, op.cit., p. 43.
14. Ibid., pp. 45-46.
15. Mottahedeh, Roy, P., Loyalty and Leadership in an Early Islamic Society, Princeton University Press, New Jersey, 1980, p. 9. The author discussing the perfect system of Islam has raised the question as to why Quran not gave any direct indication to choose a new leader.
16. Ibid., p. 17.
17. Picatori James, P., op.cit., p. 2.
18. Ibid., p. 3.



19. Asad, Muhammad, op.cit. p. 2.
20. Al-Sayed, Abdul Malik, A., Social Ethics/Islam - Classical Islamic Arabic Political Theory and Practice, Vantage Press, New York, 1982, p. 21.
21. Khudari, Tarikh al-Umam al-Islamiyah, vol. II, p. 171.
22. Husaini, S.A.Q., The Khalifah: His constitutional Position, Islamic Literature, Lahore, vol. II, No. 9, p. 15.
23. Asad, Muhammad., op.cit. pp. v-vi.
24. Arnold, S.T.W., The Caliphate Routledge & Kegan Paul Ltd., London 1965, p. 53.
25. Ibid.
26. Ibid., p. 42.
27. Ibid., p. 46.
28. Ibid., p. 49.
29. Ibid., pp. 47-48.
30. Ibid., p. 50.
31. Concerning the inference from all these events, See :  
Dr. Mahmoud Babelly, Al-Shura fi al-Islam, Beirut 1968, pp. 81-105. Prof. Abdul Hamid Mutawalli refers to some of these events in this work. He also refers to the case of the prisoners in the Battle of Badr and says that in this instance, the Prophet acted solely on Abu Bakr's view. The truth is that the Prophet's acceptance of

ransom for freeing the prisoners of the Battle concurred with the opinion of the majority of his companions and not of Abu Bakr alone. Shaikh Muhammad Abduh states this in Tafsir al-Manar, vol. 10, pp. 99-101 and p. 109. Also see the statement concerning the Battle of Badr in vol. 9 p. 611. Al-Tabari, in this respect, in his Tafsir has also related some Hadiths confirming this. See vol. 7, pp. 375-376.

32. Ibn Hisham, Al-Seerat al-Nabawiyah, Cairo 1984, together with Al-Rawdh al Unuf by al-Suhayli, vol. 2, p. 230.
33. Ibid., p. 226. It must be noted here that the Prophet and his companions had set out to Makkah to perform 'Umrah and not 'Hajj as Dr. Mahmud Babelly has stated on p. 82, of his above mentioned book.
34. Ibid., vol.2, pp. 365, 369. It must be noted that Dr. Mahmud Babelly mentions on p. 98 that the companions objected not only to the dispatch of Usamah's army but also to his command of it. The fact is that this happened during the time of the Prophet and that he condemned this opinion in a public address in which he said: "O people dispatch Usamah's force, for you are criticizing this leadership as you criticized his father's before him,

although he is just as worthy of the command as his father was". Ibid., p. 269.

35. See this Hadith and its Tafsir in Sahih Muslim with the commentary of Nawawi, vol. I, pp. 200-210 and also in Sahih al-Bukhari, vol. II, Kitab al-Sh'ab edition, Cairo, p. 131.
36. Mutawalli, Abdul Hamid, Al-Wasit fi al-Qanun al-Dusturi, Alexandria, 1956, p. 246. It was one of Abu Bakr's virtues that he realized in advance what other companions did not.
37. For more details on this question, see Abu Ubaid al-Qasim b. Salam, Kitab al-Anwal, vol. I (Cairo Edition) p. 83, in which he presents the views of Ali and Mu'adh. See also Sheikh Muhammad Mustafa Shalabi, Ta'lil al-Ahkam, pp. 51-52 where he gives various accounts of 'Umar's consultation and the eventual agreement of the companions with the view not to distribute the land.

CHAPTER FOURTH

A REVIEW OF ISLAMIC INTERNATIONAL  
LAW AND DIPLOMACY

Oppenheim, the eminent scholar of Western International law had no difficulty in conceding that the influence of Christian teaching was not visible although Christianity had been the state religion under Constantine the Great (C.E. 306-37). When the Roman Empire was divided, all the people belonging to the eastern wing were considered barbarians although they had adopted Christianity.<sup>1</sup> If Oppenheim ascertains the constant treachery, quarreling and fighting there,<sup>2</sup> perhaps it is not amazing. But most of the Western writers on International Law and Diplomacy, including Oppenheim and Nicolson, have tried to give an impression that Islam does not believe in international legal regime and have categorized it as 'Dark Age', at least from the point of view of International law. So biased Oppenheim was that he says that during the 'Middle Ages there was neither room nor need for an International law'.<sup>3</sup>

The statement seems beyond dispute when considered outside the realm of the Muslim world. In fact neither Pagan antiquity nor Judeo-Christian holy history has ever witnessed such an enterprise.

Concerning the revealed laws of the Ancient and New Testament, one can easily discover that no such provisions have been made and assess the cause of this failing. It is

due to the fact that in its early stages, Christianity and Judaism had not yet had the opportunity to deal with the outside world; their activity being purely local, And, if, in the case of Judaism, preaching was followed by certain contacts with neighbouring countries, these contacts were the result of war operations which soon led to the annihilation of the vanquished state. But no historical records are available to show what were the principles applied in these circumstances.

The absence of such a legislation in Grecian-Roman antiquity should be ascribed to a totally different cause. Relations with the outside world did exist but the Grecian-Roman concept of life as a discipline was rendered useless. International law implies a certain degree of equality, a community of interests, reciprocal rights and duties between nations. Yet the ancient Greeks who maintained some measure of equality between sparta and Athens, despite the endless strife which divided these two Kingdoms, considered all non-Greeks as exceedingly inferior beings. Aristotle himself believed that the Barbarians (i.e. all aliens) had been<sup>4</sup> created to be beaten, plundered and reduced to slavery. The same spirit prevailed in the Roman law. Not only the Romans enacted within the Empire two sets of laws; one ruling the citizens (civil law) the other governing the populations of occupied territories (people's law), but in their dealings with other states they were guided solely by the law of the sword. To the Romans, no nation other than their own

could claim a right to security or self-defence; it was a  
<sup>5</sup>  
 matter of 'serve or perish'.

As for as Islam is concerned, the matter was totally different. Rising from Makkah it flashed in to Syria; traversed the whole breadth of Northern Africa, and then leaping the straits of Gibraltar, it hammered at the doors of Europe. Islam achieved its full political maturity within the first century and its greatest geographical extent during the first seven hundred years of its existence. It conquered Sicily and reached as far as the Campagna and Aburuzzi in the south of Europe. Using Spain as a spring board it jumped into province, Northern Italy, and even to Switzerland. From its stronghold in Spain and Sicily it transmitted its powerful cultural influences to the whole of Europe. Baghdad in the East and Cordova in the west were the greatest centre of learning in the Middle Ages. This was the period which saw the beginnings of the European civilization. The earlier European writers on International law such as Pierre Bello, Ayala, Villoria, Gentiles and others, hailed from Spain or Italy and owed much to the renaissance provoked by the impact  
<sup>6</sup>  
 of Islam.

This was the period when the first written constitution of the world (the constitution of city state of Madina) was

framed. No constitution of any country was so distinguished before the Prophet (P.B.U.H) as his own. "True, the Biblical Book I - Samuel VIII, 11-18, X, 25 mentions the rights of tyrannical Kings and duties of wretched subjects, and even their having been once put to writing as a sort of "Social Contract" (though without further details). True also, the Manu Smriti (500 B.C.) mentions the duties of a King, and the Artha Shastra (Science of Politics) by Kautilya (300 B.C.) and the books of Aristotle, written about the same time, contain complete treatises on politics. Aristotle studied and compared the constitutions of 158 of his contemporary city - states. On the basis of this study, he prepared the constitution of Athens which has come down to us. It was discovered on papyrus in Egypt and was published in the year 1891. It has also been translated in English and other languages. Yet writings of this kind are either in the nature of text books or "advice books" to princes, or are historical accounts of the constitutional set up of certain places. None of these enjoys the dignity of an authoritative constitution of a state issued by the sovereign of the country. The constitution of the city-state of Madina is the first of its kind in the world.<sup>7</sup>



In the same period - usually dismissed as the "Dark Age" of International law - the first work on International law was compiled. Imam Shaybani was the first writer on Muslim law of Nations. His 'Kitab al-Siyar al-Kabir' is considered the first treatise dealing with the Muslim international<sup>8</sup> law. Joseph Hammer Von Purgstall has called him 'the<sup>9</sup> Hugo Grotius of the Muslims'. The attempt to designate Shaybani as the 'Hugo Grotius' of Islam was rather renewed. 'However, surprising', writes Hans Kurse, 'the bestowal of such a title of honour on a Muslim jurist ... by so great a scholar as Purgstall may have been, it did not find an<sup>10</sup> echo among European scholars ...'. Here it is questionable whether Joseph Hammer had more in mind than to call the attention of scholars to the master's work. Shaybani (d. 804) preceded Grotius (d. 1645) by some eight centuries and his works on system of law appeals to the students of the history of law greater than to the students of modern law of nations. But a study of the Islamic Law of nations would certainly be of interest to all who seek to widen the scope and subject<sup>11</sup> matter of the modern law of nations. That is why some western writers have paid due attention to this chapter. They have asserted that the 'experiences of Islam, like those of other nations, are worthy of a close examination, if the process

of the development of the modern law of nations is to be meaningful,<sup>12</sup> because the rise of Islam, with its universal appeal to mankind, necessarily raised the problem for the Islamic state as to how to conduct its relations with non-Muslim states as with the tolerated religious communities within its own territory. To these scholars, Islam certainly provided a system of law designed to maintain order and justice, throughout the world. This law - the siyar - developed by the Muslim jurists to meet need - may be called the<sup>13</sup> Islamic law of nations.

#### The Nature of Islamic Law of Nations :

The writers have claimed the Islamic international law to be of temporary nature in the sense that in case the ideal of Islam were ever achieved, the scope of Islam's<sup>14</sup> relations with non-Muslim countries would be non-existent. For, the ultimate goal of Islam is the subordination of the<sup>15</sup> whole world to one system of law and religion, but its failure to convert all people left outside its frontiers - non-Muslim communities - with which Islam had to deal throughout its history. Thus in its origin the Muslim law of Nations, in contrast to almost all other systems, was designed to be a temporary institution - until all people, except perhaps<sup>16</sup> those of the tolerated religions, would become Muslims. This

is not the case. Of course, intolerance of appeasement and encroachment in international relations is an important feature of the Islamic state. Should some one be tempted to violate the rights of the Islamic state, or disturb its peace, or endanger its security or exploit its peaceful policies, the state must hasten to defend itself and suppress all attempts of such a nature. But it is also true that from the very beginning Islam recognizes other religions and gives total freedom to practice in. One of its main objectives is to emancipate the mind from superstitions and uncertainties, the soul from sin and corruption and the body from disorder and degeneration. Every man is entitled to exercise his freedom of belief, conscience and worship. The Quran says:

"There is no compulsion and coercion in regard to religion. The right thing has been made distinct  
17  
from the wrong".

Islam takes this attitude because religion depends upon faith and commitment. These would be meaningless if induced by force. Furthermore, Islam presents the Truth of God in the form of an opportunity and leaves the choice for man to decide his own course. The Quran says:

"This is the Truth from your Lord: now whosoever will  
18  
may accept it and whosoever will may reject it".

Secondly, it is true that Islamic international law was practiced in from the very construction of Islamic state but it was not due to its failure to convert all people left outside its frontiers. In most of the surats revealed in Madinah, universal character of Islam, rules and regulations of international treaties, modes of conduct with non-Muslim nations were clarified. For example, Quran asserts to fulfil the obligations undertaken by the Islamic state and to honour the treaties concluded between the Islamic state and other states. This is binding only provided the other parties are faithful to their obligations and honour the treaties; otherwise treaties will be treated as invalid and not binding.

19

"O Belivers, fulfil all obligations".

"Indeed the vilest creatures on the earth in the sight of Allah are those people who denied the Truth and then would not at all believe in it, (especially) those of them with whom you made treaties and who violate them after time and do not fear Allah in the least. If you encounter them in combat, make of them a fearsome example for others who would follow them so that they might be unnerved. It is expected that they will learn a lesson from the end of treacherous people. And if you ever fear treachery from any people, throw their treaty openly before them. Indeed Allah does not like  
20  
the treacherous people".

"... But the treaties are not dissolved with those Pagans with whom you made treaties, and who afterwards did not violate these in the least nor did they give help to any one against you; so you also should observe the treaties with such people in accordance with their terms, for Allah<sup>21</sup> loves the pious people."

Likewise Islam enjoins the state to play a vital role in the interest of humanity on the international level in education, economics, industry, politics and so on. This role was initiated by Muhammad (P.B.U.H) himself and maintained by his right-guided caliphs. Consequently, it is wrong to say that only after the failure to convert the people living outside the Islamic state, Islam framed the rules and regulations to deal with the non-Muslim states.

The Prophet Muhammad (P.B.U.H), in the first constitution of the Islamic state, dealing with the non-Muslim nations, gave the full freedom of religion. Articles 24 to 35 deal with different clans of the Jews of Madina and confirm their social customs and privileges while articles 36, 37, 38 and 46 deal with their relationship with the Islamic state and enjoin mutual help and co-operation between them and the Muslims in all matters of common interest including war.<sup>22</sup>

The Prophetic truce with the Christians of Najran is an interesting evidence of his international relationship of friendship and co-operation. The truce gives us an idea of the actual position of the non-Muslims in the Islamic state. In this treaty the following sentences are worthy of special consideration:

"... Najran and their followers have protection of God and the dhimmah of Muhammad, the Prophet, the Messenger of God, for themselves, their community, their land, and their goods, both those who are absent and those who are present, and for their churches and services (no bishop will be removed from his episcopate, and no monk from his monastic position and no church-warden from his church-wardenship) and for all, great or little, that is under their hands".<sup>23</sup>

T.W. Arnold has quoted a very interesting example. According to him, "when the Muslim army reached the valley of Jordan and Abu Ubaydah pitched his camp at Fihl, the Christian inhabitants of the country wrote to the Arabs, saying 'O Muslims, we prefer you to the Byzantines, though they are of our own faith because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs,

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for they have robbed us of our good and our homes".

When Jerusalem submitted to the Caliph Umar, the following conditions were drawn up: "In the name of God, the merciful, the compassionate. The following are the terms of capitulation, which I, Umar the servant of God, the Commander of the Faithful, grant to the people and their children, their churches, their crosses, and all that appertains to them in their integrity, and their lands and all of their religion. Their churches therein shall not be impoverished, nor destroyed nor injured from among them; neither their endowments nor their dignity; and not a thing of their property; neither shall the inhabitants of Jerusalem be exposed to violence in following religion; nor shall one of them be injured".<sup>25</sup>

Arnold has cited one more case from the same period of Umar. When the emperor Heraclius had raised an enormous army with which he planned to drive back the invading forces of the Muslims who had in consequence to concentrate all their energies on the impending encounter, the Arab general Abu Ubaydah, accordingly, wrote to the governors of the conquered cities of Syria, ordering them to pay back all the jizyah that had been collected from the cities and wrote to the people saying, "We give you back the money that we

took from you as we have received news that a strong force is advancing against us. The agreement between us was that we should protect you, and as this is not now in our power, we return you all that we took. But if we are victorious we shall consider ourselves bound to you by the old terms of our agreement". In accordance with this order, enormous sums were paid back out of the state treasury, and the Christians called down blessings on the heads of the Muslims, saying, "May God give you rule over us again and make you victorious over the Romans; had it been they, they would not have given us back any thing, but would have taken all that remained with us".<sup>26</sup>

Hence, it may be concluded that the conception of international law in Islam is not of a temporary nature. Muslim law of nations, like the other laws of Islam, is a permanent institution being originated from Divine guidance - the Quran and Sunnah, It is a part of Islamic internal law, as orientalists themselves admit. It is merely an extension of the sacred law, the Shariyah, designed to govern the relations of Muslims with non-Muslims, whether inside or outside of territory of Islam.<sup>27</sup> This is why Muslim jurists in general while compiling the Muslim law, did not write any separate treatise on international law. Instead, they mentioned these laws along with the other laws relating



marriage, divorce, social affairs, commerce, religious prayers and so on. They combined both the religious and temporal rules<sup>28</sup> and collected all at one place. The Islamic Law of nations does not exist as a separate system in the sense that modern municipal (national) law and international law, based on different sources and maintained by different sanctions, are<sup>29</sup> distinct from one another.

The Western and Muslim scholars both have observed that Islamic Law of nations is self-imposed system, the sanctions of which are moral or religious and binding on its adherents.<sup>30</sup> It is not based essentially on reciprocity or mutual consent, but all the treaties and truces with the non-Muslim states in the history of Islam were concluded with the consent of other party. Their rules, such as the exchange of prisoners, diplomatic<sup>31</sup> immunities and custom duties, were mutually acceptable to Muslims and non-Muslims.

#### Jihad and its Objective :

The instrument which would universalize the Islamic<sup>32</sup> teachings and would establish God's sovereignty over the world is Jihad. The Jihad in the broad sense of the term, did not necessarily call for violence or fighting even though a state of war existed between Islamic and non-Islamic territories. In technical language, it was an 'exertion' of one's own power to

fulfil a prescribed duty, and the believers' recompense, in addition to worldly material rewards, would be the achievement of salvation, for the fulfilment of such a duty means the  
 33  
 reward of Paradise.

The jihad may be regarded as a form of religious propaganda that can be carried on by persuasion or by the sword. The jurists have distinguished four different ways through which the believer may fulfil his jihad obligation: by his  
 34  
 heart; his tongue, his hands, and by the sword. It is an undeniable fact that Islam never tolerates aggression from its own side or from any other side, nor does it entertain aggressive wars or the initiation of aggressive wars. Muslims are commanded by Allah not to begin hostilities, or embark on  
 35  
 any act of aggression or violate any rights of others. War is not the normal course of Muslims, it is only the last resort and is used under most extraordinary circumstances when all other measures fail. There is no such thing as  
 36  
 religious war to force Islam on non-Muslims. Even in the propagation of Islam, a Muslim is not only forbidden to employ force but is also commanded to use the most peaceful methods, because if Islam does not emerge from deep convictions, from within, it is not acceptable to Allah:

"Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: For your Lord knows best who have strayed from His Path and who receive guidance".<sup>37</sup>

Dr. Mahmud Shaltut, the late Shaikh of al-Azhar, has discussed the nature and legality of religious preaching in Islam in a very beautiful manner. He concludes his chapter on "The Nature of Islamic Mission" in the following points:

1. In the nature of the Islamic Mission there is no complexity, obscurity or unintelligibility that would require the use of manifest or secret compulsion.
2. The Islamic legislation, on the strength of the Book of Allah, is not in conflict with Allah's principles of creation, which accounts for the fact that some people believe whereas others do not. This principle consists in leaving people free to choose for themselves on the basis of examination and conviction.
3. The Islamic legislation, also on the strength of the Book of Allah, rejects, in plain and unambiguous words, the use of compulsion as a means to propagate religion, as do the previous legislations.

4. The Prophet of Islam was responsible towards his Lord only in so far as his missionary task was concerned. This task has been expounded in both the Meccan and the Madinan parts of the Quran. It consisted in communicating the Mission and admonition. He was not responsible for the conversion of people, which might have induced compulsion and the use of force.

5. Allah's Book, the source of the Islamic Mission, does not respect faith brought about by compulsion and it denies its having any consequence on the Day of Resurrection. How then can it enjoin compulsion or allow the use of it as a means to conversion?

After expounding the Quranic verses of fighting in order to understand their meaning and purpose and to learn their relations to one another, the author has summarised the whole in the following conclusions:

1. There is no single verse in the Quran which could support the opinion that the aim of fighting in Islam is conversion.
2. There are only three reasons for fighting, viz. to stop aggression, to protect the Mission of Islam and to defend religious freedom.

3. In giving its prescriptions for fighting the Quran did not admit of avidity, selfishness and humiliation of the poor as motives for it, but intended it as an instrument for peace and tranquillity and for a life founded on justice and equality.

4. Poll-tax (or jizyah) is not a financial compensation for the granting of one's life or preservation of one's own religion but a symbol of submission and desistance from harmful acts<sup>39</sup> and a contribution in carrying the burdens of the state.

After summarizing the points, the author has claimed that no body, now, can maintain that Islam has taken up fighting as a means of propagating its Mission and as an instrument for conversion.<sup>40</sup> He quotes a Quranic verse to prove his ideas:<sup>41</sup>

"Allah does not forbid you to treat kindly and act equitably toward those who have neither fought you in the matter of religion nor driven you out of your homes. Indeed Allah loves the just".

The western scholars, however, have expressed the opinion that the Muslims were motivated by religious zeal to spread Islam by force. They have defined jihad as "the state's instrument for transforming the 'dar al-harb' into the 'dar al-Islam'".<sup>42</sup> Some writers have emphasized the economic changes within Arabia which produced dissatisfaction and unrest and

inevitably led the Arabs to seek more fertile lands outside  
 Arabia,<sup>43</sup> but this theory by the orientalist themselves,  
 was rejected on the ground that "it is not enough to  
 interpret the character of a war permanently declared  
 against the unbelievers even after the Muslims had established  
 themselves outside Arabia".<sup>44</sup> They have tried to ascertain some  
 more factors 'which created in the minds of the Muslims a  
 politico-religious mission and conditioned their attitude  
 as a conquering nation'.<sup>45</sup>

#### Concept of Neutrality:

The Orientalists assert that the concept of neutrality  
 does not exist in Islamic law of nations. They argue that a  
 state of war exists between the dar al-Islam and dar al-harb  
 until former overcomes the latter and that the peace treaties  
 were regarded as basis of the normal relationship, between the  
 dar al-Islam and the dar al-harb. Based on these assumptions  
 is the orientalist's contention that neutrality had no place  
 in Islamic legal order.<sup>46</sup> Khadduri has marshalled the legal  
 cases recorded in the Fiqh literature and the historical  
 experiences of the Muslims at the time of their political  
 expansion and military superiority in support of this theory.  
 But the Quran, the Sunnah and the practices in the period of  
 the Prophet and four-guided caliphs explicitly show contrary

way. In this respect the following verses of the Quran give quite clear injunctions:

"If they hold off from you, and do not fight you, and offer you peace, then God assigns not any way<sup>47</sup> to you against them".

"God forbids you not, as regards those who have not fought you in religions cause, nor expelled you from your habitations, that you should be kindly to them, and act justly towards them: surely God loves the<sup>48</sup> just".

The most important verse is the following in which concept of neutrality is clearly declared:

"How is it with you that there are two opinions among you concerning the hypocrites, whereas Allah has turned them back (to their former state) because of the evils they have earned? Do you desire to show guidance to him whom Allah has let go astray? You can not find a path for him whom Allah has turned away from the right path. They really wish that you should also become disbelievers, as they themselves are so that both may become alike. So you should not take friends from among them unless they migrate in the way of Allah;

and if they do not migrate them seize them wherever you find them and slay them and do not take any of them as friends and helpers. However, those hypocrites are excepted who join a people who are allied to you by a treaty. Likewise, those hypocrites are excepted who come to you and are averse to fighting either against you or against their own people. Had Allah willed, He would have given them power over you and also would have fought against you; therefore if they leave you alone and desist from fighting against you and make overtures for peace to you, in that case Allah has left you no cause for aggression against them. You will also find another kinds of hypocrites, who wish to be at peace with you and also at peace with their own people but who would plunge into mischief, wherever they get an opportunity for it. If such people do not remain neutral regarding you nor make overtures for peace nor desist from fighting against you, then seize them and slay them wherever you find them, for we have given you a clear authority to fight against them",

These verses of the Quran reveal that there might be some groups or nations, inside the Islamic state or outside, that may be immuned from ijihad and regarded as neutral. Such



territories may be called 'dar al-hiyad' or the world of  
<sup>50</sup>  
 neutrality. Dr. Hamidullah has cited a number of cases and  
 treaties of neutrality in the time of the Prophet and Four-  
 Guided Caliphs. He has also admitted that as the Muslim  
 jurists do not treat the question a separate chapter, but  
 describe its provisions partly in the laws of peace and  
 partly in the laws of war. It is not easy to glean all that  
 is relevant. He has also described that the laws of neutra-  
 lity had not so much developed in olden times as during this  
 century. Yet, the few passages he has come across in the  
 writings of Sarkhasy, the great commentator of Shaybani, has  
<sup>51</sup>  
 produced with added emphasis. A few cases are quoted below:

(a) When the Prophet migrated to Madinah, and constituted  
 there a city-state, he took the initiative of consolidating  
 Muslim power by entering into alliance with non-Muslim Arab  
 tribes living around Madinah, especially on the caravan-route  
 of the Meccans to and from Syria. The following treaty with a  
 chief of the Banu Damrah was concluded in the month of Safar  
 of the year 2 H.

"He (i.e. the Prophet) will not attack Banu Damrah nor will  
 they attack him nor swell the troops' of his enemies nor  
<sup>52</sup>  
 help his enemies in any ways".

(b) Soon after, other families of the same tribe were  
 rallied, and a treaty of mutual aid and neutrality in particular  
 case was concluded:

"With the name of God, the compassionate, the Merciful,  
 This is the writ of Muhammad, the Messenger of God, in  
 favour of the Banu Damrah, assuring them the security  
 of their persons and their properties; that they may  
 court on (his) help if anybody takes aggressive action  
 against them, except in case of fight in the name of  
 religion. This assurance is valid so long as a sea  
 wets the shells. Similarly, when the Prophet requires  
 it of them, they will help him; and they pledge for  
 that God and His Messenger. To help them will depend  
 upon their loyalty and piety.

(c) During the unrest of apostasy in some parts of Arabia,  
 on the death of the Prophet, a Yamanite chief, Qais, sent a  
 message to another chief 'Dhul Kula', to the following effect:-

The Abna (i.e., the Persians domiciled in Yaman) are  
 but intruders in your country, and are come to you  
 from a foreign land. If you leave them (at your side),  
 they will dominate you also. Therefore I think it right  
 to kill their chiefs and to expell the rest from your  
 country.

'Dhu al-Kula' and his partisans, however, refused this  
 and neither co-operated with him nor helped the Abna, but  
 remained neutral (i'tazalat), saying: we have no concern with  
 all this; do as you like.

(d) Al-Jarud had embraced Islam in Madinah. When the Prophet died, Jarud's tribe, 'A al-Qais, also intended defection. He warned his people not to do so, and consequently this tribe remained loyal to Islam and did not take part in the struggle that ensued between the Muslims of Bahrain and the rest of the tribes of Rabi'ah. This neutrality of theirs was of considerable importance.

55

(e) When the city-state of Madinah was constituted, there were many Jewish settlements in the eastern suburbs of the Arab city. They also adhered to the confederal city-state, and agreed among other things that :

If they (the Jews) are called upon to join a peace and adhere to it, they will do so and adhere to it. Similarly if they ask it, the same would be incumbent upon the Muslims. The wars waged in the name of religion are excepted.

56

(f) It was probably in the year 5 H. that the Prophet concluded a treaty of alliance and neutrality with the tribe of Banu Abd ibn-'Adiy, regarding which our historians record:

The Prophet received the deputation of the Banu Abd Ibn 'Adiy... They said: O Muhammad! We are the inhabitant of the Holy Circle (around Mecca) and we are the mightiest of all those who live there. We do not want to fight you .

On the other hand, we are prepared to help you  
 in your expeditions, except against the Quraish  
 of Macca. For we could not fight against the Quraish. 57

Khadduri himself has admitted that "Islam voluntarily  
 refrained from attacking certain territories which were regarded,  
 whether in deference to their benevolent attitude toward the  
 Prophet Muhammad and his companions or because of their inacce-  
 ssibility, as immune from the jihad." 58 The author has the  
 opinion that Ethiopia, during the reign of Prophet, enjoyed a  
 unique position in the eyes of the Muslims and may be regarded  
 as the classic example of a non-Muslim state which Islam volun-  
 tarily declared to be immune from the jihad. 59 The assertion  
 that the concept of neutrality does not exist in Islam is,  
 therefore, wrong. International Treaties;

The international treaties are one of the important  
 sources of Islamic law of nations. The treaties, bilateral or  
 multilateral, obviously are binding only the parties thereto.  
 In connection with treaties, there are certain rules in Muslim  
 law where performance or omission is left to the discretion of  
 the individual persons (wubāh). Muslim jurists are of the  
 opinion that treaties of friendship should not be concluded  
 with non-Muslims for perpetuity. Generally, the jurists agree  
 that ten years should be the maximum period keeping in view  
 of the treaty of Hudaibiyah. Suhaily, however, records that

the jurists of Hijaz allow peace for a definite period, even exceeding ten years provided the supreme ruler and not any lesser authority, agrees to it.

This is the nature of treaties concluded by Islam but Orientalists generally have the opinion that 'the principles of permanent hostility and the non-recognition of the existence of any legal relationships outside the realm of Islam leave no room for any legal ties between the Islamic polity and the communities of the surrounding infidel world'. They assert that the existence of states in the dar al-harb, exercising actual supremacy in certain areas, is a fact which does not at all concern the Ummah and has no legal significance. The given reality of the co-existence of a plurality of states - Muslims and non-Muslims - is considered by the Islamic doctrine of international law as a transitional stage which is only possible because the believers have not yet been able to change this situation. The treaties concluded by the Prophet and his pious caliphs, the injunctions revealed in the Holy Quran, and the opinions of jurists related to the matter, agreed the orientalist to admit that there were some cases of normal relations between the two and that the principles of jihad was suspended though for a temporary period. They have justified the situation saying that 'Temporary peaceful intercourse with such communities might really be in the interest of the Muslims'. They

further asserted that 'The complete bringing into practice of the principle of permanent hostility would sometimes lead to considerable disadvantages for both sides which might give rise to the wish for a least temporary normal relations'.<sup>62</sup>

This is a material calculation that has no concern to the spirit of Islam and its history. The Prophet (P.B.U.H.) concluded, immediately after his migration to Madinah, pacts of mutual assistance with the jews and pagan tribes around Madinah. In all these treaties of the early days of the Islamic state, there is no time-limit. There are allusions in the Quran to many other treaties of friendship with non-Muslims without any defined duration. But in confirmity with a Quranic command,<sup>63</sup> the Prophet caused a declaration or proclamation to be made that all treaties for defined periods should remain operative during the contracted time. However, all treaties concluded with pagans for mutual help for unlimited period were denounced under the Quranic instructions with a notice of four months.<sup>64</sup>

Footnotes and References

1. Oppenheim, International Law, Longmans. Green and Co. 1969, Vol. I, p. 78.
2. Ibid., I, p. 79.
3. Ibid., p. 77
4. See for detail, Ebenstein, William, Great Political Thinkers: Plato to the Present, 1960, Oxford and IBH Publishing Co. Calcutta, pp. 77-79.
5. Draz, Muhammad Abdullah, 'Public International Law and Islam in "The Islamic Literature", Lahore, vol. 2, No. 12, Dec. 1950, pp. 5-6.
6. Afzal Iqbal, Prophet's Diplomacy, Claude Alan Stark, Massachausetts, 1975, Introduction, p. XXVI.
7. Hamidullah Muhammad, The First Written Constitution in the World, Habib & Co., Hyderabad, 1983, pp. 5-6.
8. Hamidullah Muhammad, Islamic Reyasat, Darul Quran, Delhi, 1988, p. 199.
9. Shaybani Mohammad, The Islamic Law of Nations, Eng. trans. by Majid Khadduri, Baltimore, 1966, p. 56.
10. Ibid.
11. Ibid., p. 57.
12. Ibid., Khadduri's introduction p. 4.
13. Ibid., p. 3.

14. It is interesting to note that Majid Khadduri has compared the Islamic Law with the Russian Law in this concern. He writes that the Soviet Union, thirteen centuries after the rise of the Muslim state, has developed a similar idea of a world state, though of course different in nature, and recognized modern international law only temporarily until it could eventually achieve the ideal of world communism. See T.A. Taracouzio, The Soviet Union and International Law New York, 1935, p. 10; John N. Hazard, "Cleansing Soviet International Law of Anti-Marxist Theories", American Journal of International Law, vol. XXXII, 1938, pp. 244-52.
15. Khadduri Majid, War and Peace in the Law of Islam, Oxford University Press, London, 1955, p. 45.
16. Ibid., p. 44.
17. The Quran, 2: 256.
18. The Quran, 18:29
19. The Quran, 5:1
20. The Quran, 8:55-58.
21. The Quran, 9: 3-4.
22. See for the full text of the constitution: Hamidullah Muhammad, The First Written Constitution of the World, op.cit.
23. Hamidullah Muhammad, Majmuat al-Wasaig al-Siyasiyyah li al-Ahd al-Nabawi wa al-Khilafah al-Rashidah, Cairo, 1941, pp. 81-82, Cf. Watt, W.M. Muhammad at Madina, Oxford, 1956, pp. 359-60, for its English rendering.



24. Arnold, T.W., The Preaching of Islam, Westminster, 1996, p.49.
25. Ibid., p. 51.
26. Ibid., pp. 55-56.
27. Khadur Majid, Islamic Law of Nations, op.cit., p. 6.
28. Hamidullah Muhammad, Khutbat e-Bahawal Pur, op.cit., p. 121.
29. Khadduri Majid, Islamic Law of Nations, op.cit, p. 6.
30. Ibid., p. 6; Hamidullah Muhammad, Khutbat-e-Bahawal Pur op.cit., p. 121.
31. See for detailed study on the subject, Fahad Obaidullah, Principles of Diplomacy in Islam, an unpublished dissertation submitted for the degree of M.A. (in lieu of two papers) in Aligarh Muslim University in 1986.
32. It is the ultimate aim of Islam that would be achieved by the Islamic state. This is not merely a duty fulfilled by each individual, it is also a political obligation imposed collectively upon the subjects of the state. See for detail: Al-Shafii, Abu Abdullah Muhammad b. Idris, Kitab al-Risalah, ed. Ahmad Muhammad Shakir, English trans. Khadduri, Islamic Jurisprudence: Shaffi's Risalah, Baltimore 1961, pp. 82-86.
33. Khadduri Majid, The Islamic Law of Nations, op.cit., p. 15.
34. See Ibn Hazm, Kitab al-Fast fi al-Milal wal Ahwa wal Nihal, Cairo 1321, A.H., vol. IV, p. 135.
35. The Quran, 2:190-193.
36. The Quran, 2:256.

37. The Quran, 16: 125; 26:46.
38. Shaltut, Mahmud, 'Quran and Fighting' in Peters Rudolph, Jihad in Medieval and Modern Islam, Leiden 1977, pp. 37-38.
39. Ibid., pp. 50-51.
40. Ibid., p. 51.
41. The Quran, 60:8.
42. Khadduri Majid, War and Peace in the Law of Islam, op.cit., p. 53, 64 and also by the same author 'Islam and International Law' The Islamic Literature, Lahore, vol. III No.1 pp. 19-22.
43. Becker, Carl H., The Cambridge Medieval History, Cambridge, 1913, vol. 11, pp. 329.
44. Khadduri Majid, The War and Peace in the Law of Islam, op.cit., p. 63.
45. Ibid., Here, the author has combined the universal character of Islam to its concept of Jihad. To him, the University<sup>al</sup> of Islam provided a unifying element for all believers, within the world of Islam and its defensive-offensive character produced a state of warfare. Thus he takes jihad as an instrument for preaching.
46. Khadduri Majid, Islamic Law of Nations, op.cit., pp. 17-19.
47. The Quran, 4:90.
48. The Quran, 60:8.
49. The Quran, 4:88-91 cf. 8:58-60, 59:11-12.

50. Modern Muslim scholars use the word 'hiyadah' for neutrality. Pre-Islamic and early-Islamic Arabs employed the term itizal. Though this term now applies only to a particular school of Muslim philosophical and the theological thought, even its scholastic sense was suggested by the neutral attitude which the M'utazalities adopted towards both the Sunnis and the Kharijites. See. Hamidullah Muhammad, Muslim Conduct of State, Muhammad Ashraf, Lahore 1945, p. 277.
51. Ibid., pp. 286-297.
52. Ibid., p. 287.
53. Ibid.
54. Ibid., p. 288.
55. Ibid.
56. Ibid., p. 289.
57. Ibid.
58. Khadduri Majid, War and Peace in the Law of Islam, op.cit., p.252.
59. Ibid., chapter 22.
60. Suhaily, al-Rawdh al Unuf. vol. II, p. 229, quoted by Hamidullah, Muslim Conduct of State, op.cit., p. 261.
61. Kruse Hans, The Islamic Doctrine of International Treaties, The Islamic Quarterly, London, vol. I, No. 3, Oct. 1954, p. 154.
62. Ibid., Majid Khadduri has expressed the same speculations and assumptions. See for detail, War and Peace in the Law of Islam, op.cit., chap. 18.

63. The Quran declared: "A declaration of immunity from God and His Apostle to those of the pagans with whom ye have contracted mutual alliances. Go ye, then, for four months backwards and forwards, (as ye will) throughout the land, but know ye that ye can not frustrate God by your falsehood, but that God will cover with shame those who reject Him".  
(9:1-2).

64. Hamidullah, Muslim Conduct of State, op.cit., pp. 259-260.

## CONCLUSION

### Conclusion

'Islamic Studies, 'Islamology' and 'Islamics' are terms coined by Western scholars and refer to a particular methodology: empiricism which aims to study Islam as it is found and practised in the Muslim World today. Empiricism is today's par excellence method widely practised by Western as well as Westernized scholars. By applying this method one does not strive to understand Islam as it is presented in the Quran and the Sunnah but the Muslim realities as they exist in today's world. These so-called Muslim realities, as can be easily imagined, are not perfectly in consonance with the pristine teachings of Islam; hence to call them Islam or purely Islamic would be erroneous and misleading. Prof. Ismail Raji al-Farooqi has explained the point as follows:

Islam being a normative realm of values is dissociable from reality that is identified with it. Islam is not the Muslim's theological, aesthetic or other system but that which all these strive to realize ... Any criticism therefore, directed to that reality can not ever discredit Islam.<sup>(1)</sup>

Al-Farooqi's statement is not only critical of Western methodology of empiricism but also brings into focus the cardinal principle of Islamic epistemology. Islam can be, and should be, studied and understood only as a transcendent ideal.

However, Western scholars as well as Westernized Muslim intellectuals insist on the use of the methodology of empiricism to understand and explain Islam. However, it is crystal clear that empirical method is alien to Muslim culture - incapable to explain Islam. It came in the Muslim World alongwith Western colonialism. Colonialism did not simply mean political supremacy, rather it also meant cultural as well as intellectual domination of the West or the imposition of Western academic traditions on subject - races. This was the aim of much maligned Orientalism and the same lies at the heart of much applanded discipline of 'Area Study'.

Orientalism has been performing two functions down the ages: first to prove that Western civilization is superior to all other human civilizations and consequently in a position to pass value judgements about other civilizations; second to make Biblical tradition (as understood by Christians) normative of all forms of 'monotheism', particularly Islamic one. Inherent in this claim of Orientalism is the fact that Islam and Muslims are outsiders of Western civilization and consequently incapable of making any contribution to 'civilization'. A scholar hailing from Western culture, say an Orientalist, therefore, is so prejudiced that he can never be a participant in any meaningful enterprise that aims to study Islam in a proper way but will remain a mere observer. Moreover, the so-called epistemology of

Orientalism has not been only normative but also a tool for Western self-understanding. To understand this point more clearly one needs only to study seriously the following words of an ancient Orientalist, Gustave Von Grunebaum:

"To cultural research intended to deepen the self-understanding of Western civilization the consideration of Islam commends itself on these grounds:-

1. Islam presents the spectacle of the development of a world religion in the full light of history.
2. It presents the further spectacle of the widening of this religion into a civilization.
3. In the development of this Islamic civilization foreign cultural traditions were absorbed, modified and again eliminated. Some of these traditions have also gone into the making of the West. Thus, the growth and decline of Islamic civilization... illuminate almost dramatically the process of cultural interaction and cultural transformation, as well as the concept of cultural influence as such.
4. Islamic civilization constitutes a complete system of thought and behaviour growing out of a fundamental impulse and involving man in all his relations - to God, the universe and himself. This system is both close enough



to the Western view of the world to be intellectually and emotionally understandable and sufficiently far removed from it to deepen, by contrast, the self-<sup>2</sup>interpretation of the West".

Clearly Orientalism or the so-called academic and empirical methods for studying Islam mainly serve as a tool for the self-understanding of the West. Besides, being of means for Western self-understanding, it has been vocally anti-Islamic and missionary-minded. It is therefore, rejected even by the most secularized sections of the Muslim society. However, there is no denying the fact that Orientalism has found followers among some superficial Muslim scholars teaching Islam at some centres of Islamic studies both in the West and in the East.

Orientalism and its off-spring — the Area Study — may not pose a serious challenge to Muslim intellectuals. But there has emerged a new methodological paradigm with leftist learning which certainly merits to be carefully studied and scrutinized. Infact, the Marxists have evolved over the years their own methodology in order to study Islam, its culture and history. This method has two major characteristics: first, it unlike Orientalism's Occidental ethnocentrism, claims to profess an uncompromising universalist and humanitarian vision and has done

well to break the spell of Orientalism; second, it offers a new methodological approach, based on the doctrine of dialectic materialism for studying the phenomenology of religions including that of Islam. Being a Marxist methodology it is ruthlessly totalitarian in its outlook, hence more dangerous. While the first aspect of this new Western methodological paradigm is a welcome development, its second aspect is venomously hostile towards Islam or to all ideologies with a spiritual vision and world view. For Marxists do not believe in any metaphysical reality or deny transcendent ideals to play any role in human history. It is then obvious that Islam with its uncompromising pre-occupation with a supreme transcendent reality that in fact shapes the destiny of the history of mankind can never be properly appreciated or apprehended by the Marxist Scholars of Islam.

This was an analysis of what Orientalists had contributed to Arabic and Persian studies. But it is greatly to be regretted that they have done very little so far to systematize Muslim Political thought. The result is that the Western writers on political theories, after dealing with the classical epoch and the Christian Fathers pass on to what little there was in European political philosophy in the thirteenth and fourteenth centuries.

No doubt, there are Muslim Political thinkers who have been dealt with at some length in connection with earlier or later political thought. Professors like Flint, Rosenthal, Gibb, Watt, Lambton have rightly given a fairly large place to them. Ibn Abi al-Rabi, Farabi, Mawardi, Nizamul Mulk Tusi, al-Ghazali, Shah Waliullah, Afghani and others are being studied, discussed and analyzed. The Prophet of Islam himself was written by most of the western scholars. Almost every Orientalist has at one time or another tried his hand on this subject. Montgomery Watt's contribution in this regard, has been remarkable for attempting to compensate the ancestors' shortcomings. His command<sup>5</sup> of the fact and his interpretations are admirable.

These facts are unignorable. But the lack of systematization in Islamic political theory depended basically upon the Quran and Sunnah, and of evolving a political system focussing mainly on the practices of the Prophet and his four Right-Guided Caliphs is clearly apparent. The Western scholars did not pay their serious attention towards a comprehensive systematic approach in this field. They have collected material on the theme from here and there in their scattered works. The concept of Imamat, functions and duties of the ruler and the ruled and so on are discussed in a hurried way and sketchy form. It is the duty of Muslim scholars to achieve a clear, workable concrete framework of the Islamic political system and its relationship to the external world. They 'should realize that

ad hoc and accidental reflections on the issues of Muslims' social life and system are no longer enough. They have to create Islamic human and social sciences. They have to systematize the goals and methods of their concerns and studies of Islamic life. They have to concern themselves in their studies with the facts of social life and with its nature and interactions as much as 'with Islamic texts and regulations'.

In this study, a brief survey of the history of Orientalism, its origin and development, its various phases and an appraisal of its valuable contribution to Islam is given to understand, evaluate and analyse the theme. Chapter I discusses the orientalism and tries to explain the motives and objectives laying behind it. A close study of the history shows that the entire claim to objectivity, academic method, and impartiality as their main features is wrong. It has been pointed out that for a person working on Islamics, an expertised knowledge of Arabic is essential. Whereas, a very few Orientalists fulfil this basic requirement.

The second chapter analyses the western studies on the politics of the Holy Prophet. It is an universal fact that the orientalist successfully introduced the Prophetic politics in the academic world. Their works on the politics of the Muhammad (P.B.U.H) are referred to in Muslims writings also. They

employed modern research techniques and their works were widely recognized. But they introduced the Prophet as a successful statesman rather than a messenger of Allah. It is beyond their comprehension to see in Muhammad a divinely inspired Prophet. To them, he was a political ruler, a military strategist and a statesman in terms of the modern world.

Furthermore, in their opinion, the Prophet of Islam had no stronger position than a chief of a tribe in the pre-Islamic period. Muhammad (P.B.U.H), in their opinion, was not the chief of the Ummah. They have raised questions on the Holy expeditions too and have tried to see them through the mirror of economy. They have also charged against him that he persecuted the Jews and decided their expulsion and extermination. All these charges, as have been explained, are basically wrong and the history of Islam has been misinterpreted and misconcluded.

In the third chapter, the western works on the nature, objectives and functions of the Islamic state are examined. It is amazing that the western scholars are biased and prejudiced. They are not prepared to accept, introduce and analyse the political structure of Islam. They, due to their own reasons, feel a threat to their own political system from the emergence of Islamic government in any region of the world. Consequently, they have tried to prove that Islam is anti-modernism and gives

birth to an aimless revolution. They argue that Islam could not evolve any definite shape of government and that Quran did not solve the constitutional problem of succession to leadership, and that no clear precedent for the method of consultation emerged in the early choices of caliphs and the Islamic world was soon plunged in to a civil war. This chapter has refuted all these objections. The Quranic verses, Prophetic traditions and the practices of four 'rightly-guided' caliphs have been cited to reject the Orientalists' charges.

In the last chapter, Orientalists' contributions on Islamic International Law and diplomacy have been discussed. Most of them have tried to give an impression that Islam does not believe in international legal regime and have categorized it as 'Dark Age'. Nonetheless, an Iraqi Christian Prof. Majid Khadduri has done a valuable work entitled "The War and Peace in the Law of Islam". He, commendably, has introduced the first Muslim writer on international Law, Shaybani, he says, was the Hugo grotuis of Muslims. His work 'Sharh al-Siyar al-Kabir' was first introduced and translated in English by the same non-Muslim scholar. Yet, the scholar has tried to prove that the Islamic International Law is of temporary nature. The Western scholars on the subject have observed that Islamic Law of nations is self imposed system, the sanctions of which are moral and it does not base on reciprocity or mutual consent.

They also tried to underestimate the concept of jihad. In their opinion jihad is the state's instrument for transforming the non-Muslim countries into Islamic one. Further, to them, the concept of neutrality does not exist in Islam. They have concluded that the principles of permanent hostility and non-recognition of the existence of any legal relationship outside the realm of Islam leave no room for any legal ties between the Islamic and non-Muslim states.

In this study, attempt has been made to prove that Islamic law of nation has its permanent feature and the Muslim jurists have studied the subject as the proper permanent institution. This<sup>work</sup>/shows that, though Islam desires the whole world to come under its banner, it does not mean that it does not recognize other religions and does not permit other nations to live, progress and advance freely and independently. This study has shown that all the treaties and agreements in the history of Islam, were concluded by mutual consent and Quran itself, guides in this direction. The concept of jihad has also been explained and argued in the light of Quranic teachings. Islam permits no compulsion in religion and leaves every man to choose his way himself. Some historical cases of Islamic tolerances and protection of other religious communities in Islamic state have been cited in this chapter. The concept of neutrality has also been discussed.

In order to have a clear understanding of Islamic polity in fact, one needs to see Islam in Islamic mirror. Islam's mirror, as can be imagined, is the Quran and Sunnah. Islam is more than the sum total of Muslim thought and experience. The main sources of Islamic politics are always beyond the contingencies of time and space and could not pre-occupy themselves exclusively with the affairs of the Muslim community. We must look for guidance to no other sources than the Quran and Sunnah and to rely on no authority than the explicit 'word' of God and the explicit teachings of His last Prophet.



### Footnotes and References

1. Quoted in, Afkar Inquiry, London, April 1986, p. 33
2. Quoted by Manzoor Pervez, Afkar Inquiry, London, April 1986, p. 34.
3. See for detail, Ibid., pp. 33-38. The study of history has been employed in the modern West as a method of philosophical contemplation. Other cultures, other civilizations have thus been studied for enhancing the self-understanding of the Western man. For a detailed study of the theme, see the same author, the same magazine, January 1985, pp. 39-46.
4. This state of affairs is worth noting even in such fairly detailed works as Dunning, Political Theories: Ancient and Medieval, New York, 1930.
5. Tibawi, A.E., English-Speaking Orientalists - A Critique of their Approach to Islam and Arab Nationalism, op.cit., pp. 59-60.
6. Abu Sulayman, Abdul Hamid A., The Islamic Theory of International Relations: New Directions For Islamic Methodology and Thought, International Institute of Islamic Thought, U.S.A., 1987, p. 83.

## **A P P E N D I X**

APPENDIX

**TRANSLATION OF THE TEXT OF  
THE CONSTITUTION OF MADINAH**

*With the name of God, the Most Merciful, the All-Merciful*

1. This is a prescript (*kitab*) of Muhammad, the Prophet [the Messenger of God] to operate among the Faithful Believers (*mu'minin*) and the Submissive to God (*muslimin*) from among the Quraish and [the people of] Yathrib and those who may be under them and join them, and take part in wars in their company.

2. Verily they constitute a political unit (*ummah*) as distinct from all the people (of the world).

3. The Emigrants from among the Quraish shall be (responsible) for their ward (*rab'ah*); and shall pay their blood-money in mutual collaboration, and shall secure the release of their prisoners by paying their ransom themselves, so that the mutual dealings between the Believers be in accordance with the principles of recognised goodness (*ma'ruf*) and justice.

4. And the Banu 'Awf shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

5. And the Banu'l-Harith shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

6. And the Banu Sa'idah shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

7. And the Banu Jusham shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group<sup>10</sup> shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

8. And the Banu'n-Najjar shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group<sup>11</sup> shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

9. And the Banu 'Amr ibn 'Awf shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

10. And the Banu'n-Nabit shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

11. And the Banu'l-Aws shall be responsible for their ward, and shall pay their blood-money in mutual collaboration as heretofore; and every group<sup>14</sup> shall secure the release of its own prisoners by paying their ransom themselves, so that the dealings between the Believers be in accordance with the principles of recognised goodness and justice.

12/a And verily the Believers shall not leave anyone hard-pressed with debts, without helping him in recognised goodness with regard to ransom or blood-money.

12/b. And no Believer shall oppose the client of another Believer against him (i.e. this latter).<sup>16</sup>

13. And verily the [hands of<sup>17</sup>] pious Believers shall be raised against [every<sup>18</sup>] such person as rises in rebellion or attempts to acquire anything by force, or is guilty of any violation of pledge or excess or attempts to spread mischief among the Believers; and verily their hands shall rise all together against such a person, even if he be son of anyone of them.

14. And no Believer kills (*yaqtulu*) another Believer in retaliation for an unbeliever (*kafir*), nor helps (*yansuru*) an unbeliever against a Believer.

15. And verily the protection (*dhimmah*) of God is one; the humblest (*adna*) of them (i.e. of the Believers) can, by extending his protection to anyone, put the obligation on all of them;<sup>19</sup> and verily the Believers are brethren to one another (*mawali*) as against all the people (of the world).

16. And verily those who will obey us from among the Jews will have help<sup>20</sup> and equality; neither shall they be oppressed nor shall any help be given against them.

17. And verily the peace of the Believers shall be one; [and<sup>21</sup>] if there be any war in the path of God, no Believer shall make any peace (with the enemy) apart from other Believers, unless it (i.e. this peace) be the same and equally binding on all.

18. And verily every detachment that will fight on our side will be relieved by turns.

19. And verily the Believers as a body shall take vengeance for each other of the bloodshed in the path of God.<sup>22</sup>

20/a. And undoubtedly the pious Believers are the followers of the best and the straightest guidance.

20/b. And no Polytheist (*mushrik* Arab subject) gives any protection to property and to life of any Quraishite, nor he comes in the way of<sup>23</sup> any Believer in this matter.

21. And verily if anyone intentionally murders a Believer and it is proved, he shall be killed in retaliation, unless the heirs of the murdered person agree [to blood-money<sup>20</sup>]; and verily all the Believers shall actually stand for this, and nothing else shall be lawful for them to do.<sup>21</sup>

22. And verily it is not be lawful for any Believer, who has accepted the contents of this document (*sahifah*) and has faith in God and in the Last Day, to give help or protection to any murderer (*muhdith*<sup>22</sup>); and verily whoever gives help or protection to such a person, God's curse and wrath shall be on him on<sup>23</sup> the Day of Resurrection, and no expense or compensation will be accepted from him (i.e. from the protector of the murderer to exonerate him).

23. And whenever ye differ about anything, its reference<sup>24</sup> shall be to God and to Muhammad.<sup>25</sup>

24. And verily the Jews bear (their) expenditure along with the Believers so long as they fight in conjunction.

25. And verily the Jews of the Banu 'Awf<sup>26</sup> shall be considered as a community (*ummah*) along with<sup>27</sup> the Believers, for the Jews being their religion and for the Muslims<sup>28</sup> their religion, be one client or original member of the tribe; but whosoever shall be guilty of oppression or<sup>29</sup> violation (of treaty), shall put to trouble none but his own person and the members of his house (*ahl-bait*).

26. And verily the Jews of the Banu'n-Najjar shall have the same rights as the Jews of the Banu 'Awf.

27. And verily the Jews of the Banu'l-Harith shall have the same rights as the Jews of the Banu 'Awf.

28. And verily the Jews of the Banu Sa'idah shall have the same rights as the Jews of the Banu 'Awf.

29. And verily the Jews of the Banu Jusham shall have the same rights as the Jews of the Banu 'Awf.

30. And verily the Jews of the Banu'l-Aws shall have the same rights as the Jews of the Banu 'Awf.

31. And verily the Jews of the Banu Tha'labah shall have the same rights as the Jews of the Banu 'Awf<sup>30</sup>; but whosoever is guilty of oppression and violation of treaty puts to trouble none but his own person and the members of his house.

32. And verily the Jafnah is a branch of the (tribe of) Tha'labah, even like them.<sup>40</sup>

33. And verily the Banu'sh-Shutaibah shall have the same rights as the Jews of the Banu'Awf ; and verily there shall be fulfilment and not violation.<sup>41</sup>

34. And verily the client of the Tha'labah shall have the same rights as the original members.<sup>42</sup>

35. And verily the sub-branches (*bitanah*) of the Jews shall have the same rights as the principal members.

36/a. And verily none of them goes out (on a military expedition) except with the permission of Muhammad.

36/b. And verily no obstruction shall be placed in the way of (anyone's) retaliation of a wound ; and whosoever sheds blood shall be personally responsible for it together with the members of his house, or else (i.e. to do otherwise) it will be injustice ; and verily God is along with those who observe this most scrupulously.<sup>44</sup>

37/a. And verily the Jews shall bear their expenses (of war) and the Muslims shall bear their expenses ; and verily there shall be aid between them as against<sup>45</sup> those who fight the parties (*ahl*) to this document (*sahifah*), and there shall be sincere counsel and well-wishing between them ; and there shall be fulfilment (of pledge) and not violation.

37/b. And verily no one violates the pledge of his ally (*halif*) ; and verily help shall be given in favour of the oppressed.

38. And verily the Jews bear (their) expenditure along with the Believers so long as they fight in conjunction.<sup>46</sup>

39. And verily the valley (*jawf*) of Yathrib shall constitute an inviolable territory<sup>47</sup> for the parties to this document (*sahifah*).

40 And verily the protected person (*jar*) shall be considered just like the original member (i.e. who has given protection) ; neither shall he (the protected person) be harmed, nor shall he himself violate the pledge.<sup>48</sup>

41. And verily no refuge will be given (i.e. by the protected person to others) without the permission of the original people of the place.<sup>49</sup>

42. And verily if any murder (*hadath*) or quarrel<sup>52</sup> takes place between the parties to this document (*sahifah*), from which any trouble may be feared, it shall be referred to God and to Muhammad, Messenger of God, may God incline to him and protect ;<sup>53</sup> and verily God is the guarantee of the most faithful scrupulous observance of the contents of this document.

43. And verily the Quraish shall be given no protection nor those who help them.<sup>54</sup>

44. And verily there shall be aid between them (i.e. the Muslims and the Jews) against those who invade Yathrib.<sup>55</sup>

45/a. And if they (i.e. the Jews) are invited to a peace to participate in and to adhere to it, they participate in and adhere to it ; and verily if they invite likewise, the same shall be incumbent upon the Believers in their favour, excepting one who fights for the cause of religion.<sup>56</sup>

45/b. On every group shall rest the responsibility for the part [of the city ?] which faces them.

46. And the Jews of al-Aws, clients as well as original members, shall have the same rights as the parties to this document (*sahifah*), with the purest fulfilment with regard to the parties to this document ; and verily there shall be fulfilment and not violation; <sup>58</sup> no evil-doer earns anything except against

his own self; and verily God is the guarantee of the most truthful and most scrupulous observance of the contents of this document.

47. And verily this prescript (*kitab*) shall not protect any oppressor or violator of pledge ; and verily whoever goes out (on a military expedition) shall have security, and whoever stays in Madinah shall have security, except one who commits oppression and violation of the pledge ; and verily God is the protector of those who fulfil and observe the pledge scrupulously, even as Muhammad, Messenger of God—may God incline to and protect him—is (i.e. the protector).<sup>59</sup>

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